FEDERAL REGISTER

VOLUME 7 NUMBER 79

Washington, Thursday, April 23, 1942

The President

EXECUTIVE ORDER 9142

TRANSFERRING CERTAIN FUNCTIONS, PROPERTY, AND PERSONNEL FROM THE DEPARTMENT OF JUSTICE TO THE ALIEN PROPERTY CUSTODIAN

By virtue of the authority vested in me as President of the United States, under the Constitution and laws of the United States, and in particular by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law No. 354, 77th Congress), it is hereby ordered as follows:

1. All authority, rights, privileges, powers, duties, and functions transferred or delegated to the Department of Justice, to be administered under the supervision of the Attorney General, by Executive Order No. 6694 of May 1, 1934, or vested in, transferred or delegated to, the Attorney General or the Assistant Attorney General in charge of the Claims Division of the Department of Justice, by Executive Order No. 8136 of May 15, 1939,[1] are hereby transferred to the Alien Property Custodian provided for by Executive Order No. 9095, dated March 11, 1942.[2]

2. Subject to the provisions of paragraph 5 hereof, all property of the Alien Property Division of the Department of Justice, including records, files, supplies, furniture, and equipment, and all funds, securities, choses in action, real estate, patents, trade marks, copyrights, and all other property of whatsoever kind, held or administered by the Attorney General under and pursuant to the Trading with the Enemy Act, as amended, are hereby transferred to the Alien Property Custodian, to be administered and disposed of under his supervision and direction.

3. All administrative or general or other expenses of the Office of the Alien Property Custodian in the administration of the Trading with the Enemy Act, as amended, including the administration of Executive Order No. 9095, may be paid out of any funds or other property transferred to the Alien Property Custodian hereunder, whether or not such expenses relate to the property transferred hereunder, or were incurred before or after March 11, 1942.

4. The personnel of the Alien Property Division of the Department of Justice is hereby transferred to the Office of the Alien Property Custodian without loss of such civil service status or eligibility therefor as they may have.

5. All litigation in which the Alien Property Custodian or the Office of the Alien Property Custodian is interested shall be conducted under the supervision of the Attorney General. The Department of Justice and the Attorney General shall from time to time render such advice on legal matters to the Alien Property Custodian and the Office of the Alien Property Custodian as the Attorney General and the Alien Property Custodian may from time to time agree upon. For the purpose of defraying such expenses as may be incurred by the Department of Justice or the Attorney General in the rendering of advice as aforesaid or in the conduct of litigation in which the Alien Property Custodian or the Office of Alien Property Custodian is interested, including expenses for salaries of personnel and all other charges, the Alien Property Custodian may from time to time make available out of the funds or other property in his possession or control such funds as the Attorney General and the Alien Property Custodian may from time to time agree to be necessary therefor. Nothing in this order shall be construed to require the Department of Justice to surrender possession of any files and records relating to any litigation heretofore or hereafter conducted by it.

6. This order shall not be construed as modifying or limiting in any way the authority heretofore granted to the Federal Bureau of Investigation.

7. This order shall remain in force during the continuance of the present war

[1] 4 F.R. 2044.
[2] 7 F.R. 1971.

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THE PRESIDENT

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FEDERAL REGISTER

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and for six months after the termination thereof.

8. All prior Executive orders insofar as they are in conflict herewith are hereby superseded.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 21, 1942.

[F. R. Doc. 42-3581; Filed, April 22, 1942; 11:25 a. m.]

EXECUTIVE ORDER 9143

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR HOLDING, RECONSIGNMENT, AND QUARTERMASTER DEPOTS

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights and to the transmission line withdrawal under Federal Power Project No. 882, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for the establishment of a Holding and Reconsignment Depot and Quartermaster Depot:

SAN BERNARDINO MERIDIAN

T. 9 N., R. 1 E.,
sec. 10, that part of S½ lying north and west of Union Pacific Railroad right-of-way;
sec. 15, that part of NW¼ lying north and west of Union Pacific Railroad right-of-way.
The areas described aggregate 315.00 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 21, 1942.

[F. R. Doc. 42-3582; Filed, April 22, 1942; 11:25 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter II—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO NEW MEXICO LIVESTOCK EXCHANGE STOCKYARDS ALBUQUERQUE, NEW MEXICO [1]

APRIL 21, 1942.

Whereas in accordance with the provisions of section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. sec. 202 (b)), the Secretary of Agriculture posted the stockyard known as the New Mexico Livestock Exchange Company, Inc., Albuquerque, New Mexico, as being subject to the provisions of said Act; and

Whereas it appears that said stockyard is now known as the New Mexico Livestock Exchange Stockyards, and is being operated by C. M. Dyer, doing business as the New Mexico Livestock Exchange:

Therefore, it is ordered, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is the New Mexico Livestock Exchange Stockyards, Albuquerque, New Mexico.

[SEAL] THOMAS J. FLAVIN,
Assistant to the Secretary of Agriculture. [2]

[F. R. Doc. 42-3561; Filed, April 22, 1942; 10:15 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.
[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 7 F.R. 2650).

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 71—ENLISTMENT IN THE REGULAR ARMY[1]

SUSPENSION OF CERTAIN REGULATIONS PERTAINING TO EXAMINATION AND ENLISTMENT, WITH EXCEPTIONS

§ 71.22 *Physical examination of applicants for enlistment.* (a) (1) Except for men enlisted in the Army Air Forces and men enlisted in the Enlisted Reserve Corps, all men enlisted in the Army of the United States will, prior to their enlistment, appear before a board of officers and undergo the same physical examination, including a chest X-ray, a serological test for syphilis, and a careful neuropsychiatric study, as is required in the case of Selective Service registrants prior to their induction.

(2) Individuals may be accepted as applicants for enlistment at recruiting stations which lack complete examination facilities, but actually enlisted only at recruiting or induction stations which do have complete examination facilities. So much of §§ 71.9 to 79.14, inclusive as conflicts with the above is suspended.

(b) The physical examination of aviation cadets will be as prescribed in War Department instructions and those for the Enlisted Reserve Corps will be as prescribed in §§ 64.1 to 64.12 and AR 150-5,[2] War Department, 1940, except that where Government facilities are available a complete examination, including X-ray of the chest, a serological test for syphilis, and a careful neuropsychiatric study, will be made. Such a complete examination will be deferred only when Government facilities are not available. (41 Stat. 765; 10 U.S.C. 42) [Cir. 112, W.D., April 15, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3563; Filed, April 22, 1942; 10:21 a. m.]

PART 79—PRESCRIBED SERVICE UNIFORMS[3]

§ 79.2 *Adopted standards of cloths.* The standards of cloths are as follows:

(a) *For officers, warrant officers, and contract surgeons.*

* * * * *

(2) *For summer uniform.* Coat; breeches; trousers; shirts; caps, service; caps, garrison. (R.S. 1296; 10 U.S.C. 1391) [Par. 2a (2), AR 600-35, Nov. 10, 1941, as amended by Cir. 112, W.D., April 15, 1942]

* * * * *

§ 79.9 *Coat*—(a) *Service; winter; for officers and warrant officers*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1)).

* * * * *

(b) *Service; summer; for officers and warrant officers.*

(1) *Material.* Of adopted standard (§ 79.2 (a) (2)).

(2) *General description*—(i) *In general.* A single-breasted semiform-fitting sack coat, extending to crotch, with no pronounced flare or waistline seam. To fit easily over the chest and shoulders and to be fitted slightly at the waist to conform to the figure. The left front to appear straight from top button to bottom of front; buttoned down the front with four large regulation coat buttons equally spaced. Sufficient flare to be on the right front in order to remain underlapped. All buttons to be detachable.

(ii) *Back.* A vent in the back to extend from immediately below waistline to bottom, following the back seam and with an underlap of approximately 2½ inches.

(iii) *Collar and lapel.* The collar to measure approximately 1⅝ inches in width at the back, the opening between collar end and lapel not to exceed ½ inch. The lapels to be semi-peaked, not wider than ½ inch more than the collar end, and the top edge to be horizontal.

(iv) *Shoulder loops.* On each shoulder a loop, let in at the sleeve head seam and reaching to edge of collar. Upper end pointed and buttoned to coat with a small regulation coat button. Width of loop at lower end 2½ inches, tapering to 1½ inches at a distance of ¾ inch from pointed end.

(v) *Ornamentation.* A band of khaki color braid ½ inch in width on each sleeve, the lower edge 3 inches from end of sleeve.

(vi) *Pockets.* Four outside pockets, two upper and two lower, of suitable size according to size of coat. Each pocket covered with a flap, pointed at corners and center, buttoned at center with a small regulation coat button, and placed with upper edges in a prolonged horizontal line.

(*a*) *Upper.* The two upper pockets to be patch pockets, slightly rounded at lower corners, with a box plait 1½ inches in width on the vertical center line. The following dimensions are not to be exceeded: Depth, 6½ inches; width at top, 5 inches; at bottom, 5 inches. The flap buttons to be on a line with the top button of coat. Lower outside corners of top pocket flaps may be blind-tacked.

(*b*) *Lower.* The two lower pockets to be hung inside the coat with the opening in the body below waistline. The following dimensions are not to be exceeded: Depth, 9 inches; width at top, 7 inches; at bottom, 8 inches.

(c) *Overcoat.*

* * * * *

(d) *Raincoat for officers and warrant officers.*

* * * * *

(R.S. 1296; 10 U.S.C. 1391) [Par. 9, AR 600-35, Nov. 10, 1941, as amended by Cir. 112, W.D., April 15, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-3562; Filed, April 22, 1942; 10:21 a. m.]

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[1] § 71.22 is amended.

[2] Administrative regulations of the War Department relating to the Enlisted Reserve Corps.

[3] §§ 79.2 and 79.9 are amended.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter I—Agricultural Marketing Administration and Commodity Exchange Commission

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

AMENDMENT OF §§ 1.5[1] AND 1.10[2]

By virtue of the authority vested in the Secretary of Agriculture by the Commodity Exchange Act (42 Stat. 998, as amended; 7 U.S.C. 1940 ed. 1-17a), the following amendments to Title 17, Chapter I, Part 1, §§ 1.5 and 1.10, Code of Federal Regulations (17 CFR, 1938 Sup. amended, 6 F.R. 4061, 4515 and 7 F.R. 2721), are hereby promulgated:

1. Sections 1.5 and 1.10 are amended by striking out the words "Chief of the Administration," wherever they appear therein, and inserting the word "Administrator" in lieu thereof.

2. Section 1.10 is amended by inserting after the words "field office," in the first paragraph thereof, the words "of the Commodity Exchange Branch."

Done at Washington, D. C., this 21st day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-3560; Filed, April 22, 1942; 10:15 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

PART 402—LOAN SERVICE DIVISION

[Bulletin 24]

SETTLEMENT OF INSURANCE LOSSES

* * * * * *

The first paragraph of § 402.25 (b) is amended to read as follows:

§ 402.25 *Insurance.*

* * * * *

(b) *Fire, windstorm, or other losses.* The General Manager is authorized to adjust and settle all insurance losses sustained on any property owned by the Corporation or securing indebtedness held by the Corporation, except that, in the event an amicable settlement cannot be reached and litigation appears to be immediately necessary, the matter shall be referred to the General Counsel for appropriate action. The General Manager may direct that insurance loss funds be applied to the proper account, used for restoration, repair or improvement of the properties damaged, or released directly to home owners when the condition of the account warrants. The authority herein granted may be exercised also by the Regional Manager as hereinafter provided.

(Effective April 1, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48

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[1] 6 F.R. 4515, 4585.

[2] 6 F.R. 4061.

Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-3533; Filed, April 21, 1942; 1:21 p. m.]

[Bulletin 25]

PART 402—LOAN SERVICE DIVISION

INSURANCE PLACED BY THE CORPORATION

The first paragraph of § 402.25-14 is amended to read as follows:

§ 402.25-14 *Insurance placed by Corporation.* All insurance contracts protecting the loan or property shall be reviewed; (a) immediately upon the cancellation or voidance of any insurance policy; (b) thirty days prior to the expiration date, if the home owner has a Tax and Insurance Account effective as to insurance; or (c) forty days after the expiration date, in the instance of all other home owners. If the remaining effective coverage does not fulfill the requirements of the Corporation and acceptable new or renewal insurance policies have not been submitted, an order for the proper coverage shall be prepared upon the special forms furnished by the Corporation's insurer under contract and shall be effective as of the termination of the insurance to be replaced. The order may be cancelled by the Corporation, without charge, at any time during the period of 45 days from the termination of the former insurance, in the event that adequate and acceptable new or renewal insurance contracts have been submitted by the home owner and/or loss has not occurred.

(Effective April 1, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-3536; Filed, April 21, 1942; 1:21 p. m.]

[Bulletin 26]

PART 402—LOAN SERVICE DIVISION

INSURANCE LOSS PROCEDURE

Sections 402.25-34 and 402.25-36 of the Code of Federal Regulations are revoked.

The subject matter of §§ 402.25-24 to 402.25-28, inclusive, and §§ 402.25-30 to 402.25-33, inclusive, of the Code of Federal Regulations is rearranged, reenacted, and renumbered as follows:

§ 402.25-20 *Loss adjustments.* Representatives of the Corporation shall not meet insurance adjusters or insurance company representatives on the premises where the loss occurred or elsewhere, or communicate with such adjusters or representatives or attend conferences at which such adjusters or representatives participate unless directed by the Regional Manager in cases where negotiations or conferences are necessary for emergency action or to expedite the settling of cases in controversy. In any case where it is necesary for a representative of the Corporation to participate in adjustments, it is to be definitely understood that the Corporation will in no way waive any rights it may have against the insurer.

When home owners employ adjusters or attorneys to represent them in the adjustment of insurance losses, it must be understood that the fees or charges of such representatives are ordinarily not to be paid from loss proceeds. However, in unusual cases where the loss proceeds exceed all costs in connection with the restoration of the property to a condition satisfactory to the Corporation, such payments may be made in accordance with the provisions of § 402.22 (a) and procedure thereunder.

§ 402.25-24 *Proof of loss.* The Regional Manager, the Assistant Regional Manager in Charge of Loan Service, or a duly appointed deputy, is authorized to sign proofs of loss for the Corporation to insurance companies when home owners will not or, through legal incapacity, cannot execute such proofs of loss.

The Regional Manager, the Assistant Regional Manager in Charge of Loan Service, or a duly appointed deputy, is authorized to sign for the Corporation proofs of loss to insurance companies when losses occur and insurance is to be paid to the Corporation as owner or vendor, and likewise, said individuals shall execute for the Corporation as owner or vendor such other forms as may be required.

§ 402.25-25 *Emergency loss cases.* It is the obligation of the home owner and a condition of his insurance contract that he take such immediate steps as may be required to protect the property temporarily from further damage from any cause whatsoever after a loss, regardless of the estimated amount of such loss. It is the customary practice of the insurance agents or the company adjusters to assist the home owner in providing this protection.

In unusual cases, when emergency repairs are necessary and the home owner cannot arrange adequate protection for the property immediately, the Regional Manager, upon request, may give telegraphic or telephonic approval to effect the restoration work immediately.

§ 402.25-26 *Losses of $100 or less, home owner cases.* In cases where the total amount of the insurance loss is not more than $100.00, the Corporation will not require notice of the loss and restoration may be arranged for and carried out by the home owner who may receive the insurance loss draft direct from the insurance carrier. Exceptions are made in those cases wherein the insurer denies liability to the insured or notice of foreclosure proceedings has been given to the insurer.

In cases where the total amount of the loss is not more than $100.00 and the Corporation is made the payee or one of the payees, the insurance loss draft should be referred to the Insurance Clerk who may transmit the draft to the Regional Treasurer for endorsement without recourse and transmittal to the home owner in accordance with the provisions of § 402.25 (c).

§ 402.25-27 *Losses over $100, home owner cases.* When the total amount of the loss is in excess of $100.00, the Insurance Clerk shall review the insurance records and shall ascertain whether or not the draft covers the entire adjustment. Such loss drafts shall be transmitted to the Regional Treasurer for safekeeping and an appropriate entry made in Block I, Form 115, and all further drafts covering the same adjustment shall be treated in like manner.

Upon receipt of the full adjustment, the Insurance Clerk shall complete Block I of Form 115 and forward the form to the Control Supervisor who shall review the manner in which the account has been maintained, the extent to which the loan balance has been reduced, the amount of the loss as compared with the insurable value of the security property, and the present status of the account and complete Block II, Form 115, indicating his recommendation as to one of the following:

(a) The loss draft or drafts shall be endorsed without recourse by the Regional Treasurer and forwarded to the home owner with Form 115-D.

(b) The loss draft shall be forwarded by the Regional Treasurer to the home owner for endorsement with Form 115-E. When endorsed and returned, the loss draft shall be forwarded to the Regional Treasurer with a copy of Form 115 to be deposited for credit to the Suspended Credits Account. Upon completion of Form 115-E by the home owner, disbursement of the proceeds of the loss draft may be made by the Corporation as follows:

If the Control Supervisor determines from the home owner's statement on Form 115-E that satisfactory arrangements have been made for the necessary restoration, disbursement may be made directly to the home owner for the items set forth in Form 115-E, provided that the Control Supervisor considers it justifiable by his experience with the account and provided further that in instances where the home owner lists a creditor whose bill is in excess of $100.00, disbursement shall be made direct to such creditor and not to the home owner.

In those instances where the Control Supervisor determines that the home owner should be paid direct for bills for material and/or labor which he has incurred or performed himself, lien waivers need not be required by the Corporation.

Where it is determined by the Control Supervisor that materialmen or laborers or contractors should be paid direct, then such an appropriate lien waiver or other form as may be approved by the Regional Counsel should be procured.

In the event there should be a balance left over from the loss proceeds after disbursement has been made for restoration, then such residue shall be han-

dled in accordance with § 402.22 (a) and procedure thereunder.

An inspection report of the property may be obtained when it is deemed necessary by the Control Supervisor.

(c) The loss draft or drafts shall be deposited for credit to the Suspended Credits Account, and restoration of the property shall be accomplished by the Reconditioning Section in accordance with the provisions of Part 405 of this Chapter.

(d) The proceeds of the loss draft or drafts shall be applied to the loan account.

Procedures (a) and (b) shall not be used in any cases where the amount of the loss is in excess of $300.00.

After the Control Supervisor has entered his recommendation, the form shall be referred to the Regional Manager who shall indicate his decision in Block III. When the form is returned to the Control Supervisor, he shall transmit one copy of the form to the Regional Treasurer as direction to him of the disposition to be made of all the loss drafts listed in the form. The Control Supervisor shall indicate the closing of the case in Block V.

§ 402.25–28 *Vouchers and lien waivers.* When disbursement is to be made by the Corporation from Suspended Credits Account to home owners, contractors, materialmen or others, the Control Supervisor shall prepare the necessary voucher. Where lien waivers and other forms are required, these shall be forwarded with the voucher to the payee for execution and return to the Control Supervisor. When disbursement is completed, the lien waivers shall be forwarded to the Regional Treasurer for filing in the loan file. Form 115–E may also be filed in the loan file.

§ 402.25–29 *Home owner losses referred to Reconditioning Section.* In cases where the Regional Manager directs that the case be referred to the Reconditioning Section, the Control Supervisor shall so advise the home owner and transmit one copy of Form 115 to the Reconditioning Section.

When the Reconditioning Section has completed its handling of the case, it shall fill in that portion of Block V indicating what expenditures have been made and return Form 115 to the Control Supervisor. In the event there should be a balance left over from the loss proceeds after disbursement has been made for restoration, then such residue shall be handled in accordance with § 402.22 (a) and procedure thereunder.

§ 402.25–32 *Where subrogation claimed.* Where an insurance company claims non-liability to the home owner and also claims subrogation under its contract to the extent of the payment made to the Corporation as mortgagee, vendor, or trustee, the Regional Manager shall forward to the General Manager a full report of the facts with an accompanying report on the legal aspects of the case prepared by the Regional Counsel. The General Manager, with the advice of the General Counsel, shall determine the disposition of the case, and instruct the Regional Manager accordingly; but no separate subrogation agreement shall be executed on behalf of the Corporation unless required by the specific terms of the insurance contract or unless the General Counsel advises that under the particular circumstances a special subrogation agreement would be advisable. Where payment of the loss is made by the insurance company subject to its claim of subrogation, the Regional Manager shall so notify the home owner and any other parties liable for the indebtedness, as well as the Supervising Auditor and the Regional Accountant and any other interested Department or Division of the Corporation.

§ 402.25–33 *Definition.* The terms "loss" and "amount of loss" as used in this Part for the purpose of establishing procedure or otherwise, shall be deemed to mean the amount paid by the insurance company or companies for the damage.

(Effective April 1, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42–3537; Filed, April 21, 1942; 1:22 p. m.]

[Bulletin 38]

PART 403—PROPERTY MANAGEMENT DIVISION

CONTRACTS AS TO CLASSES OF PERSONS WHO MAY PURCHASE PROPERTY

Section 403.02 (i) (2) (b) is amended to read as follows:

§ 403.02 *Property committee.*

* * * * *

(i) * * *

(2) * * *

(b) Any Approved Sales Broker or his spouse, or to the partner, officer or employee of any Contract Sales Broker, contract management broker, or approved sales broker of the Corporation,

Paragraph (c) of § 403.10 is amended to read as follows:

§ 403.10 *Plans and terms of sale.*

* * * * *

(c) A sale shall not be made to any Contract Sales Broker or Contract Management Broker of the Corporation or to the spouse of any such broker unless such broker or his spouse with respect to the property to be sold was a former borrower as classified in paragraph (a) of this section, in which event such property may be sold to such broker or his spouse at the price provided in paragraph (a) of this section.

(Effective April 9, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42–3534; Filed, April 21, 1942; 1:23 p. m.]

[Bulletin 32]

PART 403—PROPERTY MANAGEMENT DIVISION

CONTRACT BROKERS

Section 403.08–1 is amended to read as follows:

§ 403.08–1 *For management and sales brokers.* Each Contract Management Broker shall furnish to the Corporation a surety bond unless the Regional Manager directs in writing that such bond be waived, or unless the broker, in compliance with law, has filed with a public official a surety bond which, in the opinion of the Regional Manager and Regional Counsel, adequately protects the Corporation against loss. The Regional Manager may also require any Contract Sales Broker to furnish to the Corporation a surety bond. Surety bonds furnished by Contract Management Brokers and Contract Sales Brokers shall be in such amount as the Regional Manager may in his discretion prescribe.

Each such broker's bond shall conform to the requirement of Part 406 of this Chapter and shall be conditioned upon the due performance by the broker of his obligations under his contract with the Corporation. The amount of each such bond may be increased or decreased at any time in the discretion of the Regional Manager. The Regional Manager shall cause the amounts of such bonds to be reviewed at such intervals as he may deem appropriate for the purpose of determining whether the coverage should be increased or decreased.

All premiums and other charges in connection with the issuance and maintenance of each such bond shall be paid by the broker executing the same as principal.

(Effective April 15, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42–3539; Filed, April 21, 1942; 1:22 p. m.]

[Bulletin 39]

PART 403—PROPERTY MANAGEMENT DIVISION

SALES SECTION

Section 403.10–20 is amended to read as follows:

§ 403.10–20 *Instructions for such preparation.* The Regional Manager, with

the advice and approval of the Regional Counsel, shall issue from time to time for each State within the Region general instructions relating to the preparation of agreements for the sale of real estate, adjustments, leases, and other pertinent matter to be provided for in such agreements. The Regional Manager or State Manager may issue specific instructions or directions with respect to the preparation of any particular agreement for the sale of real estate. General and special instructions shall not be inconsistent with the regulations of the Corporation. Copies of such general instructions shall be furnished to the Regional Counsel and the Supervising Auditor, and three copies shall be forwarded to the Deputy General Manager in Charge of Property Management for distribution to the Associate General Counsel and the Auditor.

(Effective April 20, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-3540; Filed, April 21, 1942; 1:24 p. m.]

[Bulletin 21]

PART 403—PROPERTY MANAGEMENT DIVISION

MAINTENANCE OF ACQUIRED PROPERTIES

Section 403.11-17 is amended by the addition of a new paragraph to be inserted immediately following the first paragraph thereof, reading as follows:

§ 403.11-17 *Supervision of repairs by reconditioning section or by broker.* * * *

Maintenance repairs by contract broker's own organization. Contract brokers who maintain organizations to perform maintenance repairs on real properties may be authorized generally or individually, in writing, by Regional Managers to perform maintenance repairs on real properties under the jurisdiction of the Property Management Division in lieu of having such repairs performed by outside contractors, when the Regional Managers determine that it is in the best interest of the Corporation to do so. The charges for such maintenance repairs by such contract brokers shall not exceed charges normally made by other local contractors for like services, and in the performance of such work such brokers shall comply with all applicable laws, ordinances, and municipal regulations; and it shall be the responsibility of Regional Managers to require compliance on the part of such contract brokers with the provisions of this paragraph. Any disbursement for such maintenance repairs shall be supported by itemized bills receipted by the contract brokers which conform to the regulations relating to receipted bills. Contract brokers shall not be entitled to any commission for supervising maintenance repairs performed by their own organizations. Any charges incurred pursuant to the provisions of this paragraph are subject to the limitations on the authority of brokers prescribed by § 403.14-2: *Provided, however,* That maintenance repairs performed by the broker's own organization under the authority herein contained, may not exceed $25.00 in any one case on any particular property, whether containing one or more units.

(Effective March 15, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-3532; Filed, April 21, 1942; 1:21 p. m.]

[Bulletin 30]

PART 410—PURCHASE AND SUPPLY SECTION

PART 406—LEGAL DEPARTMENT

CONTRACTS AND PURCHASES

Section 410.07 (a) is amended to read as follows:

§ 410.07 *Authorization to incur expense*—(a) *Purchase of supplies, equipment and services.* Purchases or rental of supplies, equipment, and services not otherwise provided for, and the making and execution of contracts for recurring services, for the use of the Corporation in the Home Office and in the Field, shall be as follows:

(1) Law books, law periodicals, law publications and like material for law libraries shall be purchased and paid for as provided in § 406.17 of this chapter;

(2) The Director of Purchase and Supply Section is authorized to purchase or rent supplies, equipment, and services not otherwise provided for and to make and execute contracts for recurring services up to and including $500.00;

(3) Purchases or rental of supplies, equipment, services not otherwise provided for and contracts for recurring services, exceeding $500.00, for the use of the Corporation in the Home Office and in the Field, shall be approved by the General Manager.

The first sentence of § 406.17 is amended to read as follows:

§ 406.17 *Purchase of law books and periodicals.* The General Counsel is authorized to incur expense incident to the purchase, maintenance and repair of law books, law periodicals, law publications, and other books and like material for law libraries in the Home Office and in the field offices; and the General Counsel shall approve the amount to be paid by the Corporation in such transactions.

(Effective April 1, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-3538; Filed, April 21, 1942; 1:22 p. m.]

[Bulletin 34]

PART 408—ACCOUNTING SECTION

ACCOUNTING PROCEDURE

Section 408.00d is amended to read as follows:

§ 408.00d *Interest convenience period.* An interest convenience period of not less than fourteen (14) days and not more than sixteen (16) days after instalment date (to be determined by the Regional Accountant at time of establishing the billing schedule) shall be allowed; therefore, upon receipt of loan payments within the convenience period, interest shall be calculated as though such payments were received on instalment date, but, upon receipt of payments after the convenience period, interest shall be calculated as though such payments were received at the next instalment date.

The interest convenience period shall apply also to any excess payment or curtailment, or to any miscellaneous credit, the amount of which does not exceed $100.00, and in all other cases the adjustment of interest shall be made on a dollar-day basis.

Section 408.00e is amended by deleting from the second paragraph the words "fifteen-day".

Section 408.00j is amended to read as follows:

§ 408.00j *Mailing date of final payments.* In considering the date of full and final payment of all moneys due the Corporation on an account, the mailing date (as evidenced by the postmark on the envelope transmitting such payment to an office of the Corporation) shall be accepted as the date on which the payment was received by the Corporation. This rule shall not apply where the borrower indicates in writing, or by implication from the amount of the remittance, or otherwise, that the payment was intended to be made on some other predetermined date subsequent to the date of such postmark.

The interest convenience rule prescribed in § 408.00d shall apply also to any final payment, the amount of which does not exceed the matured instalment balance by more than $100.00; the interest adjustment on all other final payments shall be calculated on a dollar-day basis from the due date of the next preceding instalment to date of final settlement.

(Effective April 15, 1942)

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sec. 13 of the Act of April 27, 1934, 48 Stat. 647: 12 U.S.C. 1463 (a), (k), E.O. 9070, 7 F.R. 1529)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-3535; Filed, April 12, 1942; 1:23 p. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue

[T.D. 5138]

Subchapter E—Administrative Provisions Common to Various Taxes

PART 458—INSPECTION OF CORPORATION STATISTICAL TRANSCRIPT CARDS BY THE OFFICE OF PRICE ADMINISTRATION

INSPECTION OF EXCISE TAX RETURNS

APRIL 15, 1942.

§ 458.610 *Introductory.* (a) Section 55 (a) (2) of the Internal Revenue Code, as amended, provides:

And all returns made under this chapter, Subchapters A, B, D, and E of Chapter 2, subchapter B of chapter 3, chapters 4, 7, 12, and 21, subchapter A of chapter 29 and chapter 30, shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

(b) Section 55 (Title I) of the Revenue Act of 1932, as amended by section 218 (h), Title II, of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 195, 209), provides:

Returns made under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the Revenue Act of 1926; and all returns made under this Act after the date of enactment of the National Industrial Recovery Act shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

(c) Section 55 (a) (Title I) of the Revenue Act of 1934, provides:

Returns made under this title shall be open to inspection in the same manner, to the same extent, and subject to the same provisions of law, including penalties, as returns made under Title II of the Revenue Act of 1926; and all returns made under this Act shall constitute public records and shall be open to public examination and inspection to such extent as shall be authorized in rules and regulations promulgated by the President.

§ 458.611 *Inspection of excise tax returns.* Pursuant to the above-mentioned provisions of law excise tax returns filed with respect to any tax imposed by chapter 7 or 12 or 21, or subchapter A of chapter 29, or chapter 30, of the Internal Revenue Code, or filed after June 16, 1933, with respect to any tax imposed by Title IV, V, or VII of the Revenue Act of 1932, or filed with respect to the tax imposed by Title IV of the Revenue Act of 1934, or by any of the above-mentioned provisions as amended, shall be open to inspection to the same extent as provided with respect to income tax returns in subpart B and §§ 463c.31, 463c.32, 463c.33 (a), 463c.34, 463c.35, 463c.36 and 463c.37 of subpart D of Treasury Decision 4929, approved August 28, 1939, as amended by Treasury Decision 4991, approved July 20, 1940 [26 CFR, 1939 Sup., 458.301 to 458.307, both inclusive, 458.331 to 458.337, both inclusive, 1940 Sup., 458.333 (a)].

(Section 55 (a) (2), as amended, of the Internal Revenue Code (53 Stat. 29, 26 U.S.C. 55, 1940 ed.); section 55 (Title I), as amended, of the Revenue Act of 1932 (47 Stat. 189); and section 55 (a) of the Revenue Act of 1934 (48 Stat. 680))

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: April 20, 1942.

FRANKLIN D ROOSEVELT
The White House.

[F. R. Doc. 42-3542; Filed, April 21, 1942; 3:20 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 132—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL RULING NO. 12 RELATING TO FOREIGN FUNDS CONTROL

APRIL 21, 1942.

§ 131.12 *General Ruling No. 12.* (a) Unless licensed or otherwise authorized by the Secretary of the Treasury, (1) any transfer after the effective date of the Order is null and void to the extent that it is (or was) a transfer of any property in a blocked account at the time of such transfer; and (2) no transfer after the effective date of Order shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property while in a blocked account (irrespective of whether such property was in a blocked account at the time of such transfer).

(b) Unless licensed or otherwise authorized by the Secretary of the Treasury, no transfer before the effective date of Order shall be the basis for the assertion or recognition of any right, remedy, power, or privilege with respect to, or interest in, any property while in a blocked account unless the person with whom such blocked account is held or maintained had written notice of the transfer or by any written evidence had recognized such transfer prior to the effective date of the Order.

(c) Unless otherwise provided, an appropriate license or other authorization issued by the Secretary of the Treasury before, during or after a transfer shall validate such transfer or render it enforceable to the same extent as it would be valid or enforceable but for the provisions of section 5 (b) of the Trading with the enemy Act, as amended, and Order, regulations, instructions and rulings issued thereunder.

(d) Any transfer affected by the Order and/or this general ruling and involved in, or arising out of, any action or proceeding in any Court within the United States shall, so far as affected by the Order and/or this general ruling, be valid and enforceable for the purpose of determining for the parties to the action or proceeding the rights and liabilities therein litigated; *Provided, however,* That no attachment, judgment, decree, lien, execution, garnishment, or other judicial process shall confer or create a greater right, power, or privilege with respect to, or interest in, any property in a blocked account than the owner of such property could create or confer by voluntary act prior to the issuance of an appropriate license.

(e) For the purposes of this general ruling:

(1) The term "transfer" shall mean any actual or purported act or transaction, whether or not evidenced by writing, and whether or not done or performed within the United States, the purpose, intent, or effect of which is to create, surrender, release, transfer, or alter, directly or indirectly, any right, remedy, power, privilege, or interest with respect to any property and without limitation upon the foregoing shall include the making, execution, or delivery of any assignment, power, conveyance, check, declaration, deed, deed of trust, power of attorney, power of appointment, bill of sale, mortgage, receipt, agreement, contract, certificate, gift, sale, affidavit, or statement; the appointment of any agent, trustee, or other fiduciary; the creation or transfer of any lien; the issuance, docketing, filing, or the levy of or under any judgment, decree, attachment, execution, or other judicial or administrative process or order, or the service of any garnishment; the acquisition of any interest of any nature whatsoever by reason of a judgment or decree of any foreign country; the fulfillment of any condition, or the exercise of any power of appointment, power of attorney, or other power: *Provided, however,* That the term "transfer" shall not be deemed to include transfers by operation of law.

(2) The term "property" includes gold, silver, bullion, currency, coin, credit, securities (as that term is defined in section 2 (1) of the Securities Act of 1933, as amended), bills of exchange, notes, drafts, acceptances, checks, letters of credit, book credits, debts, claims, contracts, negotiable documents of title, mortgages, liens, annuities, insurance policies, options and futures in commodities, and evidences of any of the foregoing. The term "property" shall not, except to the extent indicated, be deemed to include chattels or real property.

(3) The term "blocked account" shall refer to a blocked account (including safe deposit box) of a party to the transfer and shall have the meaning prescribed in General Ruling No. 4 except that it shall not be deemed to include an account not treated as a blocked account by the person with whom such account is held or maintained.

(4) The term "effective date of the Order" shall have the meaning prescribed in General Ruling No. 4 except that "the effective date of the Order" as applied to any person whose name appears on The Proclaimed List of Certain Blocked Nationals shall be the date upon which the name of such person first appeared on such list.

(5) The term "transfer by operation of law" shall be deemed only to mean any transfer of any dower, courtesy, community property, or other interest of any nature whatsoever, provided that such

transfer arises solely as a consequence of the existence or change of marital status; any transfer to any person by intestate succession; any transfer to any person as administrator, executor, or other fiduciary by reason of any testamentary disposition; any transfer to any person as administrator, executor, or fiduciary by reason of judicial appointment or approval in connection with any testamentary disposition or intestate succession; and any transfer pursuant to (i) Netherlands Royal Decree of May 24, 1940, and (ii) Norwegian Provisional Decree of April 22, 1940, concerning the monetary system, etc.

(f) Nothing contained in this general ruling shall be deemed to affect in any way criminal liability for violation of the Order, or the regulations, rulings, circulars or instructions issued thereunder, or in connection therewith, or to otherwise modify any provision thereof. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, Ex. Order 8832, July 26, 1941, Ex. Order 8963, December 9, 1941, and Ex. Order 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

By direction of the President.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-3591; Filed, April 22, 1942; 12:12 p. m.]

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1942, 2d Amendment to Dept. Circ. 530]

PART 315—REGULATIONS GOVERNING UNITED STATES SAVINGS BONDS

APRIL 20, 1942.

1. Section 315.11 (a) of Department Circular No. 530, Fourth Revision,[1] dated April 15, 1941, is hereby amended by adding thereto a subparagraph numbered 4, reading as follows:

§ 315.11 *Coowners*—(a) *Payment or reissue.*

* * * * *

(4) *Reissue to add coowner.* A savings bond registered in the name of one person alone in his own right, or to which one person is shown to be entitled in his own right, under these regulations, upon appropriate request (Form PD 1762) by such person may be reissued in whole or in part (but only in authorized denominations) in the name of the owner together with that of another individual as coowner: *Provided, however,* That if a bond is so reissued in the names of two individuals as coowners, the registration may not thereafter be changed so long as both coowners are living: *And provided further,* That no such reissue will be effective which results in any one person holding bonds in excess of the limitation set forth in § 315.4, and that bonds reissued in accordance with this subparagraph will be considered for the purposes of computation of holdings as originally issued in both names. Reissues under the provisions of this subparagraph may be made only at a Federal Reserve Bank or at the Treasury Department, Washington, D. C.

2. Section 315.12 (b) of Department Circular No. 530, Fourth Revision, dated April 15, 1941, is hereby amended to read as follows:

§ 315.12 *Beneficiaries.*

* * * * *

(b) *Reissue during lifetime of registered owner.* A savings bond registered in the name of one person payable on death to a designated beneficiary may not be reissued during the lifetime of such beneficiary so as to eliminate his name. If such beneficiary should predecease the registered owner, the bond may, upon appropriate request by the registered owner, and proof of the death of the beneficiary, be reissued in the name of the registered owner alone, or in his name payable on death to a new beneficiary. A bond registered in the beneficiary form may be reissued upon appropriate request (Form PD 1762) by the registered owner with the name of the designated beneficiary as coowner, with the same restrictions and provisions set forth in § 315.11 (a) (4) of this circular as amended; such reissue may be made only at a Federal Reserve Bank or at the Treasury Department.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-3583; Filed, April 22, 1942; 11:37 a. m.]

[1] 6 F.R. 2191, 3175.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 65]

COVERING MEMORANDUM FOR OCCUPATIONAL QUESTIONNAIRE

ORDER PRESCRIBING FORM

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 312, entitled "Covering Memorandum For Occupational Questionnaire,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

MARCH 13, 1942.

[F. R. Doc. 42-3580; Filed, April 22, 1942; 11:11 a. m.]

[1] Filed with the original document.

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 962—IRON AND STEEL

AMENDMENT NO. 3 AND EXTENSION NO. 2 TO GENERAL PREFERENCE ORDER M-21[1]

1. The designation of Part 962 (formerly "Steel") is hereby amended to read "Iron and Steel."

2. General Preference Order M-21 (§ 962.1) is hereby amended to read as follows:

§ 962.1 *General Preference Order M-21*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 as amended from time to time, except to the extent that any provision thereof may be inconsistent herewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Steel" means all carbon and alloy steel castings, ingots, blooms, slabs, billets, forgings, and all other semifinished and finished rolled or drawn carbon and alloy steels.

(2) "Iron products" means iron castings, gray and malleable (including all items of ferrous foundry manufacture not classified as steel), wrought iron products, and cast iron pipe.

(3) "Producer" means any person who produces steel or iron products.

(c) *Purchasers' statements.* (1) The filing of form PD-73 is not required with orders for steel for delivery on or after May 1, 1942, or with orders for iron products. On orders for steel for delivery on or before April 30, 1942, form PD-73 shall be filed as heretofore.

(2) Except as permitted by this paragraph (c), on and after May 1, 1942, no producer shall accept an order for steel or iron products from or deliver steel or iron products to any person unless such person has endorsed on his purchase order a statement in the following form, signed by an official duly authorized for such purpose, specifying the name of the appropriate group classification as described in Schedule A hereto, and no purchase order shall include material for more than a single group classification:

The undersigned certifies to the Producer and to the War Production Board that the material ordered herein is to fill orders in Group Classification _____.

_____
Name of Purchaser

_____
Authorized Official

_____
Title

(3) On orders placed on or before April 30, 1942, with deliveries to be made after that date, a purchaser's statement in the above form must be filed with the producer on or before April 30, 1942, together with a description of the purchase orders to which each such statement applies.

(4) On export sales (except Lend-Lease sales and sales to purchasers in

[1] 6 F.R. 4784, 5995, 6646.

the Dominion of Canada) the purchaser's statement may be furnished by the accredited agent of the purchaser or by the export division of the producer.

(5) On shipments by a producer direct to the customer of a warehouse the purchaser's statement shall be furnished to the producer by the customer and not by the warehouse.

(d) *Producers' reports.* Each producer shall file with the War Production Board, Washington, D. C., Reference: M–21, reports at such times and on such forms as may from time to time be prescribed.

(e) *Restrictions on deliveries.* (1) Except as hereinafter in this paragraph (e) provided or with specific permission of the Director of Industry Operations, no person shall on or after May 15, 1942, deliver steel or iron products except on an order bearing a preference rating of A–10 or higher which has been duly assigned pursuant to regulations, orders, or certificates: *Provided, however,* That

(i) A warehouse may deliver carbon steel products on lower rated or unrated orders when such orders are certified by the purchaser to be for necessary repair or maintenance purposes if the total amount of any product so delivered to all its customers during a calendar quarter does not exceed three percent of its quota of such product for such quarter.

(ii) Persons other than producers may deliver mails, bale ties, and black or galvanized welded pipe up to and including 3½" OD standard pipe size on lower rated or unrated orders, except as restricted by any further Order of the Director of Industry Operations.

(f) *Specific directions.* The Director of Industry Operations may from time to time issue specific directions to any person or persons as to the type, description, amount, source, or destination of steel or iron products to be produced, delivered, or acquired by such person or persons.

(g) *Effective date.* This Order shall take effect immediately and shall remain in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 FR. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

3. This amendment shall take effect immediately.

Issued this 21st day of April, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Schedule A—Group Classifications

Army. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to the War Department (including the Panama Canal), including construction and maintenance of plants owned by the War Department.

Navy. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to the Navy Department (including the Marine Corps and Coast Guard), including construction and maintenance of plants owned by the Navy Department.

Maritime. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to the Maritime Commission, or to commercial shipyards (CSY) for ship repair under the supervision of the Coordinator for Ship Repair and Conversion, including construction and maintenance of plants owned by the Maritime Commission.

Defense Projects. Orders for steel and iron products for construction and maintenance of defense plants or projects under preference ratings, including, but not limited to, ratings assigned by Preference Rating Orders in the P–19 series, and not included in other classifications.

Lend-Lease. Orders for steel and iron products for export on lend-lease contracts placed by any U. S. government agency, identified by the symbol "DA" on the order form.

Other Export. Orders for steel and iron products for export (except to U. S. possessions and off-shore bases), not included in the Lend-Lease classification.

Railroad. Orders for steel and iron products to be delivered, or physically incorporated into material to be delivered, to U. S. railroads.

Warehouse. Orders for steel and iron products for warehouses for resale (except CSY orders).

All Other. Other orders for steel and iron products which cannot be identified under any of the preceding classifications.

[F. R. Doc. 42-3541; Filed, April 21, 1942; 3:38 p. m.]

PART 927—NICKEL

SUPPLEMENTARY ORDER NO. M–6–C—NICKEL SCRAP AND SECONDARY NICKEL

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of scrap material of which nickel is an ingredient and of secondary nickel, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 927.4 *Supplementary Order M–6–c*—(a) *Definitions.* For the purpose of this supplementary order:

(1) "Nickel scrap" means all materials, ferrous or non-ferrous, containing 0.5% or more of nickel by weight, which are the by-product or waste of industrial operations, or which have been discarded on account of obsolescence, failure or other reason, excluding aluminum scrap and copper scrap, as covered by the definitions and provisions of Supplementary Orders M–1–D and M–9–B, respectively.

(2) "Nickel" means any metallic nickel, alloyed or unalloyed.

(3) "Secondary nickel" means any nickel or alloy containing nickel prepared as a raw material by any process of melting or otherwise treating nickel scrap.

(4) "Scrap dealer" means any person regularly engaged in buying and selling nickel scrap.

(5) "Melter of nickel" means any person (other than a scrap dealer) who is regularly engaged in melting nickel, secondary nickel, or nickel scrap for consumption in his production operations.

(b) *Deliveries of nickel scrap and secondary nickel*—(1) *Prohibition on deliveries.* No person shall hereafter deliver any nickel scrap or secondary nickel except:

(i) As permitted under the provisions of paragraph (b) (2) of this Order; or

(ii) Pursuant to specific written authorization by the Director of Industry Operations.

(2) *Permissible deliveries.* Until further order or direction of the Director of Industry Operations, the following transactions are permitted, and shall require no specific authorization:

(i) Deliveries of nickel scrap may be made to any scrap dealer;

(ii) Nickel scrap and secondary nickel may be delivered to any melter of nickel who is currently receiving allocations of primary nickel from the Director of Industry Operations, for use by such melter in the production of those products (and those products only) for which he shall have been allocated primary nickel.

(iii) Deliveries of nickel scrap and secondary nickel may be made to any melter of nickel who is not currently receiving allocations of primary nickel, to be used by him in the fulfillment of purchase orders for his products to which a preference rating better than A–2 shall have been assigned. No such melter of nickel shall, however, accept deliveries of nickel scrap or secondary nickel pursuant to the authority of this sub-paragraph (b) (2) (iii) in quantities which, during any calendar month, will aggregate more than 300 pounds by weight of nickel content.

(3) *Certification required of melters.* (i) No melter of nickel shall accept delivery of nickel scrap or secondary nickel pursuant to the provisions of paragraph (b) (2) (ii), unless and until he shall have filed with his supplier at the time of placing a purchase order for nickel scrap or secondary nickel, a written statement, signed by a duly authorized official, substantially in the following form:

The undersigned hereby certifies:

(a) That the undersigned is a melter of nickel within the definition contained in Supplementary Order M–6–c, and is currently being allocated primary nickel by the Director of Industry Operations;

(b) That the material to be delivered pursuant to the accompanying purchase order will be used only in the production of those products for which primary nickel is being currently allocated to the undersigned.

Name of Company

By Authorized Official

(ii) No melter of nickel shall accept delivery of nickel scrap or secondary nickel pursuant to the provisions of paragraph (b) (2) (iii) unless and until he shall have filed with the supplier at the time of placing a purchase order for nickel scrap or secondary nickel, a written statement, signed by a duly authorized official, substantially in the following form:

The undersigned hereby certifies:

(a) That the undersigned is a melter of nickel within the definition contained in Supplementary Order M-6-c, and is *not* being currently allocated nickel by the Director of Industry Operations;

(b) That the material to be delivered pursuant to the accompanying purchase order will be used by the undersigned only in the production of those products for which he has purchase orders carrying preference ratings better than A-2;

(c) That such delivery if made will not cause the aggregate of the undersigned's receipts of nickel scrap and secondary nickel in the same calendar month to exceed 300 pounds in nickel content.

Name of Company

By Authorized Official

(c) *Melting nickel scrap and secondary nickel*—(1) *Prohibitions on melting.* No person shall hereafter melt any nickel scrap or secondary nickel except:

(i) As permitted under the provisions of paragraph (c) (2) of this Order; or

(ii) Pursuant to the specific written authorization of the Director of Industry Operations.

(2) *Permissible melting.* Until further order or direction of the Director of Industry Operations, nickel scrap and secondary nickel may be melted without specific authorization as follows:

(i) By any melter of nickel who is currently receiving allocations of primary nickel from the Director of Industry Operations, to be used by such melter in the production of those products (and those products only) for which primary nickel has been allocated to him by the Director of Industry Operations.

(ii) By any melter of nickel who is not currently receiving allocations of primary nickel from the Director of Industry Operations, for products to be delivered by him in fulfillment of purchase orders to which a preference rating better than A-2 shall have been assigned. No such melter of nickel shall, however, melt nickel scrap or secondary nickel pursuant to the authority of this paragraph (c) (2) (ii) in quantities which in any calendar month will aggregate more than 300 pounds of nickel content.

(d) *Special restrictions on dealers.* No scrap dealer shall hereafter accept delivery of any nickel scrap unless such scrap dealer shall have filed with the War Production Board such reports as said Board may from time to time require.

(e) *Restrictions on accumulation of nickel scrap and secondary nickel.* No person, other than a melter of nickel (as defined in this Order) shall keep on hand more than 30 days' accumulation of nickel scrap generated in the course of his own operations, unless such an accumulation aggregates less than 100 pounds in nickel content.

(f) *Use of material.* Any person who obtains delivery of nickel scrap or secondary nickel under the authority of this Order, or by any specific direction of the Director of Industry Operations, shall use such material only for the purposes for which acceptance of the delivery thereof was authorized.

(g) *Restrictions on secondary nickel.* No person shall hereafter knowingly accept delivery of secondary nickel, ingots, pigs or other forms of secondary metal which have been obtained by melting and processing nickel scrap delivered to the melter or processor, or which have been melted or processed by him, contrary to the provisions of this Order.

(h) *Toll agreements.* No person shall hereafter deliver nickel scrap and no person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement which is contingent upon repurchase or redelivery of processed material in any quantities equivalent or otherwise, by the person causing the nickel scrap to be delivered, unless and until such an agreement shall have been approved by the Director of Industry Operations. Any person desiring to have such an agreement approved, must file with the War Production Board a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of the same, the estimated poundage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the processed material is to be used, and any other pertinent data that would justify such approval.

(i) *Specific directions.* The Director of Industry Operations may from time to time issue specific directions to any person as to the source, destination, and amount of nickel scrap or secondary nickel to be delivered or acquired by him, and also as to the manner and quantities in which such material may be melted, treated or otherwise processed for particular uses. In any case where such a specific direction is inconsistent with the authority given to any person to deliver, acquire or melt nickel scrap or secondary nickel under the terms of this Order, such specific directions shall be observed.

(j) *Application for specific authorization.* Any person desiring to obtain specific authorization with respect to the delivery, acquisition or melting of nickel scrap or secondary nickel shall make application to the Director of Industry Operations on such form as may be from time to time prescribed by the War Production Board, or by letter addressed to Nickel Branch, War Production Board, Ref.: M-6-c, setting forth the quantities of nickel scrap and secondary nickel desired, the required delivery dates, the source of applicant's supply, and any other pertinent information. Wherever by the terms of this Order specific authorization by the Director of Industry Operations is required, preference rating orders or certificates shall not be construed as constituting such specific authorization.

(k) *Reports.* On or before May 15, 1942, and on or before the 15th day of each succeeding month, the following persons shall report to the War Production Board their inventories of and transactions in nickel scrap and secondary nickel in such form and detail as the War Production Board may from time to time require:

(1) Any person who generates in his own operations nickel scrap during any calendar month in excess of 500 pounds of nickel content.

(2) Any person (whether or not he generates scrap in his own operations) who has on hand at the end of the preceding calendar month an accumulation of nickel scrap and secondary nickel in excess of 500 pounds in nickel content.

(3) Any person who has on hand at the end of the preceding calendar month more than 30 days' accumulation of nickel scrap generated in his own operations, if such accumulation exceeds 100 pounds in nickel content.

Until further order of the Director of Industry Operations, all persons required to report by the provisions of this paragraph (k) shall report nickel-bearing iron and steel scrap on Forms PD-149, PD-150, and PD-151, prescribed pursuant to General Preference Order M-24, in the manner indicated on such forms, and shall report all other nickel scrap, as herein defined, and all secondary nickel on Form PD-394.

(l) *Segregation of nickel scrap.* Any person who generates or otherwise acquires nickel scrap shall conserve such scrap to the fullest possible extent and shall keep such scrap free from any mechanical contamination by metal, dirt or any other foreign element which would prevent its being remelted into its original alloy. If more than one mechanical form of nickel scrap, or nickel scrap of one form but varying in proportion of nickel content, or varying in content of other alloying elements, result from the production operations of a producer, the different forms or kinds of nickel scrap shall be kept separated so that the nickel content may be readily determined and directed into channels of armament and other essential production by the Director of Industry Operations.

(m) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(n) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation,

and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(o) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Reference: M-6-c.

(p) *Effective dates.* This Order may be revoked or modified by the Director of Industry Operations at any time; shall take effect immediately; and unless previously terminated, shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 9040, 7 F.R. 329, 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 22d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3568; Filed, April 22, 1942; 10:28 a. m.]

PART 965—IRON AND STEEL SCRAP

SUPPLEMENTARY ORDER M-24-B—SCRAP SEGREGATION

§ 965.3 *Supplementary Order M-24-b.* Pursuant to the provisions of General Preference Order M-24, *it is hereby ordered:*

(a) *Preparation of mixed bundles and cars of tinned scrap prohibited.* No person shall include in any bundle or car of iron and steel scrap any material coated or alloyed with tin or with a mixture of which tin forms a component part, unless such bundle or car is exclusively made up of such material.

(b) *Deliveries of mixed bundles and cars of tinned scrap prohibited.* No person shall deliver, accept, or take part in any transaction for the delivery of any bundle or car of iron and steel scrap which he knows or has reason to believe does not conform to the provisions of paragraph (a).

(c) *Effective date.* This Order shall take effect immediately and shall remain in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 9040, 7 F.R. 329, 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 22d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3567; Filed, April 22, 1942; 10:27 a. m.]

PART 1032—SUGAR

SUPPLEMENTARY ORDER M-55-h

Pursuant to Order M-55, which this Order supplements, it is hereby further ordered that:

§ 1032.9 *Supplementary Order M-55-h*—(a) *Anticipation of sugar quotas for May 1942.* The Director of Industry Operations hereby determines that receivers of direct-consumption sugar may anticipate their quotas for May 1942 by accepting delivery, only as provided for below, of not more than 50% of their use or resale of direct-consumption sugar during the base period of 1941:

(1) On and after the effective date of this Order, any receiver in Zones 1, 2, or 3, as defined in Order M-55-d, may accept such delivery of direct-consumption sugar derived from sugar beets.

(2) On and after April 21, 1942, any receiver not in Zones 1, 2, or 3, as defined in Order M-55-d, may accept such delivery of direct-consumption sugar derived from sugar beets or from sugar cane.

(b) *Restrictions on receivers use or resale.* No receiver who accepts delivery of sugar pursuant to paragraph (a) above may use such sugar in the manufacture of any product before May 1, 1942, nor resell such sugar at any time except upon proper tender of a ration stamp or certificate issued by the Office of Price Administration.

(c) *Restrictions on primary distributors.* Any primary distributor supplying orders placed pursuant to paragraph (a) above shall:

(1) Maintain a record of all such orders supplied; and,

(2) Promptly notify any receiver, by telegram, of any sugar delivered on or after April 25, 1942, to a carrier for shipment to the receiver under an order placed pursuant to paragraph (a) hereof.

(d) *Effect of inconsistent provisions.* The provisions of paragraph (d) (3) of Order M-55 are inapplicable to the extent that they are inconsistent with this Supplementary Order.

(e) *Effective date and expiration.* This Order shall take effect immediately and shall expire on May 1, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 9040, 7 F.R. 329, 527; sec. 2 (a), Pub. Law, 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 21st day of April, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3569; Filed, April 22, 1942; 10:27 a. m.]

PART 1090—AGAVE FIBER

AMENDMENT NO. 5 TO GENERAL PREFERENCE ORDER NO. M-84

Section 1090.1 (*General Preference Order M-84*[1]) is hereby amended in the following respect:

Subparagraph (2) of paragraph (d) is amended to read as follows:

(2) For manufacturing binder twine:

(i) During the eleven months ending June 30, 1942, in excess of an amount which, when added to Binder Twine in his stocks on November 1, 1941, equals 120% of that processor's total sales of Binder Twine in the United States during the twelve months ending October 31, 1941;

(ii) During the four months commencing July 1, 1942, and ending October 31, 1942, in excess of an amount which equals 40% of that processor's total sales of binder twine in the United States during the twelve months ending October 31, 1941;

Provided, however, That the Director of Industry Operations may increase pro rata the amount of Agave Fiber which processors are allowed to process if, in the Director's opinion, additional amounts are needed to handle the 1942 harvest of agricultural products.

This Amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 22d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3566; Filed, April 22, 1942; 10:27 a. m.]

[1] 7 F.R. 1128, 1642, 2234, 2788, 2769, 2940.

PART 1170—USED RAIL AND USED RAIL JOINTS

LIMITATION ORDER L-83

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of used rail and used rail joints for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1170.1 *Limitation order L-83*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purpose of this Order:

(1) "Person" means any individual, partnership, association, business trust, corporation, government corporation or agency, or any organized group of persons, whether incorporated or not, except the Army or Navy of the United States and the United States Maritime Commission.

(2) "Rail" means the steel rolling mill shape known as the "tee rail."

(3) "New replacement rail" means rail which has been received by any person from steel rolling mills or from any other person who does not use but holds or transfers the rail, which has never been laid, and which is to be used to replace other rail in maintenance and repair of railroad track, but does not include rail, whether or not it has ever been previously laid, which may be used in plant expansion.

(4) "Used Rail" means Rail (weighing not less than 35 pounds nor more than 132 pounds per yard in length, weight determination based on steel rolling mill weight descriptions) which has been released from track by the laying of New Replacement Rail or Used Rail or by retiral of the track as a transportation facility.

(5) "Rail Joints" means the steel rolling mill shapes (known as "Joint Bars") which are used as splice connections of abutting Rails.

(c) *General restrictions.* (1) Unless specifically exempted by the Director of Industry Operations, whenever any person shall have received New Replacement Rail on or after the effective date of this Order, he shall make available for such use as may be directed from time to time by the Director of Industry Operations Used Rail (including the requisite number of Rail Joints for laying) in the amounts and within the times specified respectively below. Such amounts are expressed in terms of percentages of Used Rail footage equivalent to the total footage of New Replacement Rail so received, and shall be not less than:

(i) 15% within 30 days of each such receipt of New Replacement Rail,

(ii) 15% additional within 60 days thereof,

(iii) 20% additional within 90 days thereof, and

(iv) 40% additional within 150 days thereof.

(2) On and after the effective date of this Order, no person shall sell, transfer or otherwise dispose of any Used Rail of relayer grade, re-roll grade or scrap grade, unless and until authorization for such sale, transfer or other disposition shall have been obtained from the Director of Industry Operations; provided that nothing in this paragraph (c) (2) shall prevent any such person from using such Used Rail in his own tracks.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, sales and use of Used Rail.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each person to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Violations.* Any person who wilfully violates any provision of this Order, or who, in connection with this Order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action, if any, as he deems appropriate by the amendment of this Order or otherwise.

(i) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L-88.

(j) *Effective date.* This Order shall take effect upon the date of its issuance, and shall continue in effect until revoked. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.; W.P.B. Dir. No. 1, 7 F.R. 562)

Issued this 22d day of April 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-3565; Filed, April 22, 1942; 10:27 a. m.]

Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

AMENDMENT NO. 7 TO REVISED PRICE SCHEDULE NO. 67 [1]—NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and filed with the Division of the Federal Register. New subparagraph (9) is added to § 1301.51 (a), new subparagraph (4) is added to § 1301.54 (e) and new paragraph (g) is added to § 1301.59a as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras*—(a) * * *.

* * * * *

(9) *Gould and Eberhardt, Newark, New Jersey.* Notwithstanding any other provision of this paragraph (a), on and after April 15, 1942, regardless of the terms of any existing contract of sale or other commitment, the Maximum price at which Gould and Eberhardt may sell, offer to sell, deliver or transfer any of the two hundred and nine (209) machine tools of the type listed below manufactured by The Henry and Wright Manufacturing Co., Hartford, Connecticut, as subcontractor, shall be the applicable price set opposite each such machine tool.

Type of machine	Maximum price applicable to contracts executed prior to Jan. 27, 1942	Maximum price applicable to all other contracts
24" Industrial Shaper, Standard.	$3,608	$4,050
24" Industrial Shaper, Universal.	4,125	4,690
28" Industrial Shaper, Standard.	3,669	----------
28" Industrial Shaper, Universal.	4,191	----------
32" Industrial Shaper, Standard.	3,850	4,300
32" Industrial Shaper, Universal.	4,361	4,840

§ 1301.54 *Records and reports.*

* * * * *

(e) * * *

* * * * *

(4) Gould and Eberhardt, Newark, N. J., shall file with the Office of Price Administration, Washington, D. C., (i) not later than May 1, 1942 a list of all contracts executed during the period of December 10, 1941 until January 27, 1942, for the sale or delivery of any of the machine tools set forth in § 1301.51 (a) (9) and the quantity and type of machine tools covered by each such contract; and (ii) the serial number of each such machine tool manufactured by The Henry and Wright Manufacturing Co. as subcontractor, within five days after such number shall become available, together with specifications of each such machine tool as shall have been delivered to a purchaser holding a contract executed between December 10, 1941 and January 27, 1942.

§ 1301.59a *Effective dates of amendments.* * * *

* * * * *

(g) Amendment No. 7 (§§ 1301.51 (a) (9), 1301.54 (e) (4), and 1301.59a (g)) to Revised Price Schedule No. 67 shall become effective April 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3555; Filed, April 22, 1942; 9:49 a. m.]

PART 1301—MACHINE TOOLS

AMENDMENT NO. 8 TO REVISED PRICE SCHEDULE NO. 67 [1]—NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and filed with the Division of the Federal Register. New subparagraph (10) is added to § 1301.51 (a), new subparagraph (5) is added to § 1301.54 (e) and new paragraph (h) is added to § 1301.59a as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) * * *

* * * * *

(10) *The Cleveland Automatic Machine Company, Cleveland, Ohio.* Notwith-

[1] 7 F.R. 1337, 1836, 2000, 2105, 2472, 2473, 2539, 2680.

standing any other provision of this paragraph (a), on and after April 17, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which The Cleveland Automatic Machine Company may sell, offer to sell, deliver or transfer, and the maximum price at which any person may buy, offer to buy, or accept delivery from The Cleveland Automatic Machine Company of any of the one hundred and four (104) 5¾" Model "A" Single Spindle Automatic machine tools to be manufactured by Sullivan Machinery Company of Claremont, New Hampshire, as subcontractor, shall be $16,548.08.

§ 1301.54 *Records and reports.* * * * (e) * * *

* * * * *

(5) The Cleveland Automatic Machine Company, Cleveland, Ohio, shall file with the Office of Price Administration, Washington, D. C., (i) not later than ten days after the contract between it and Sullivan Machinery Company for the manufacture of one hundred and four (104) 5¾" Model "A" Single Spindle Automatic machine tools shall have been executed, a copy thereof certified by an officer of The Cleveland Automatic Machine Company to be a true and correct copy; and (ii) the serial number of each machine tool manufactured by Sullivan Machinery Company, as Subcontractor, within five days after such number shall have become available.

§ 1301.59a *Effective dates of amendments.* * * *

* * * * *

(h) Amendment No. 8 (§§ 1301.51 (a) (10), 1301.54 (e) (5), and 1301.59a (h)) to Revised Price Schedule No. 67 shall become effective April 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3556; Filed, April 22, 1942; 9:48 a. m.]

PART 1303—ZINC

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 81 [1]—PRIMARY SLAB ZINC

A statement of the considerations involved in the issuance of this Amendment is issued simultaneously herewith and filed with the Division of the Federal Register.

A new § 1303.51a is added, as set forth below:

§ 1303.51a *Conditional agreements.* Nothing contained in Revised Price Schedule No. 81 shall be deemed to invalidate any agreement merely because the price is based upon some future contingency, in types of transactions in which it has been customary to quote prices based upon future contingencies; *Provided, however,* That in no event shall such price exceed the maximum price in effect at the time of shipment.

§ 1303.58a *Effective dates of amendments.* * * *

* * * * *

(b) Amendment No. 2 (1303.51a) to Revised Price Schedule No. 81 shall become effective April 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3554; Filed, April 22, 1942; 9:49 a. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO 6 [2]—IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

A new paragraph (j) is added to § 1306.10 as set forth below:

§ 1306.10 *Appendix A: Domestic and export ceiling prices for sale by producers of iron and steel products.* * * *

* * * * *

(j) Notwithstanding the provisions of any other section of this Revised Price Schedule No. 6, the maximum basing point base prices of steel wire screen cloth, both black painted and galvanized, in standard length rolls of 100 lineal feet and in standard widths of 18" to 48" inclusive, shall be as follows:

TO JOBBERS STOCKS

	Carload	Less than carload	Direct to dealers
AREAS OTHER THAN PACIFIC COAST			
Discount off list, of List in effect Apr. 16, 1941.	20 & 15 percent	20 & 12½ percent	20 & 10 percent
PACIFIC COAST			
Net prices per 100 sq. ft.			
12 mesh black painted	$1.67	$1.83	$2.07
12 mesh galvanized	1.80	2.02	2.25
14 mesh galvanized	2.04	2.20	2.62
16 mesh galvanized	2.36	2.60	2.85
18 mesh galvanized	2.61	2.93	3.20

All extras, terms and conditions of sale, delivery and other services shall be maintained.

§ 1306.9a *Effective dates of amendments.* * * *

* * * * *

(c) Amendment No. 3 (§ 1306.10 (j) and § 1306.9a (c)) to Revised Price Schedule No. 6 shall become effective April 27, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3552; Filed, April 22, 1942; 9:50 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 38 [3]—GLYCERINE

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith, and has been filed with the Division of the Federal Register.

A new paragraph (e) is added to § 1335.410 and a new § 1335.409a is added as set forth below:

§ 1335.410 *Appendix A: Maximum prices for glycerine.* * * *

* * * * *

(e) Notwithstanding anything to the contrary in the foregoing paragraphs, The Harshaw Chemical Company, a corporation with its principal office in Cleveland, Ohio may sell, deliver and transfer 89,154 pounds of dynamite glycerine to the Procurement Division of the United States Treasury Department at a price not in excess of 22 cents per pound, net loose, f. o. b. Philadelphia, Pennsylvania.

§ 1335.409a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1335.410 (e)) to Revised Price Schedule No. 38 shall become effective April 23, 1942.

(Pub. Law 421, 77th Congress)

Issued this 21st day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3553; Filed, April 22, 1942; 9:50 a. m.]

PART 1355—LEAD

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 69 [4]—PRIMARY LEAD

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

A new § 1355.1a is added as set forth below, and a new paragraph (b) is added to § 1355.8a:

§ 1355.1a *Conditional agreements.* Nothing contained in Revised Price Schedule No. 69 shall be deemed to invalidate any agreement merely because the price is based upon some future contingency, in types of transactions in which it has been customary to quote prices based upon future contingencies: *Provided, however,* That in no event shall such price exceed the maximum price in effect at the time of shipment.

§ 1355.8a *Effective dates of amendments.* * * *

* * * * *

(b) Amendment No. 2 (§§ 1355.1a, and 1355.8a (b) to Revised Price Schedule No. 69 shall become effective April 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 21st day of April 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-3557; Filed, April 22, 1942; 9:47 a. m.]

[1] 7 F.R. 1356, 1836, 2000, 2132.

[2] 7 F.R. 1215, 1836, 2132, 2153, 2293, 2239, 2351.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the office of Price Administration.

[3] 7 F.R. 1277, 1836, 2000, 2132.

[4] 7 F.R. 1339, 1836, 2132, 2278.

PART 1377—WOODEN CONTAINERS

MAXIMUM PRICE REGULATION NO. 117—USED EGG CASES AND USED COMPONENT PARTS

In the judgment of the Price Administrator, the prices of used egg cases and used component parts are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of used egg cases and used component parts prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, this Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator, the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Maximum Price Regulation No. 117 is hereby issued.

AUTHORITY: §§ 1377.11 to 1377.21 inclusive, issued under Public Law 421, 77th Cong.

§ 1377.11 *Maximum prices for used egg cases and component parts.* (a) On and after April 23, 1942, regardless of any contract, agreement, lease or other obligation, no person, other than a poultrymen's cooperative association, shall sell or deliver any used egg cases or used component parts, and no person shall buy or receive any used egg cases or used component parts in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1377.21; and no person subject to this Maximum Price Regulation No. 117 shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of used egg cases or component parts to a purchaser if prior to April 23, 1942 such cases or parts had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) There may be added to the maximum price established by this Maximum Price Regulation No. 117 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer or user with tokens or other media of State or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

(c) The maximum prices established by this Maximum Price Regulation No. 117 shall not be increased by any charges for the extension of credit.

§ 1377.12 *Less than maximum prices.* Lower prices than those set forth in Appendix A, § 1377.21, may be charged, demanded, paid or offered.

§ 1377.13 *Conditional agreements.* No seller subject to this Maximum Price Regulation No. 117 shall enter into an agreement permitting the adjustment of the price of used egg cases or used component parts to prices which may be higher than the maximum prices provided by § 1377.21 in the event that this Maximum Price Regulation No. 117 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be made in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this Section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1377.14 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 117 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale delivery, purchase or receipt of or relating to used egg cases or used component parts, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited: (1) selling as reconditioned used egg cases or as reconditioned component parts, cases or parts which do not satisfy the requirements for reconditioned cases and parts as set forth in paragraph (e) of § 1377.21 (Appendix A); (2) selling as reconditioned used egg cases or as reconditioned component parts, cases or parts which do not have affixed an easily noticeable paper label, stating that the cases or parts have been reconditioned and setting forth the name and location of the reconditioner; *provided,* that cases which have been reconditioned prior to April 23, 1942, the effective date of this Maximum Price Regulation No. 117, and which on that date are in the possession of a person other than the reconditioner, may be sold as reconditioned cases even though no such label has been affixed; (3) selling as a complete used egg case, a unit which does not contain a shell, cover, twelve flats and ten fillers; (4) selling at prices higher than the maximum prices for a complete reconditioned or unreconditioned used egg case, a complete case which in part is composed of new, rather than used, material; *provided,* that a seller may sell unassembled used component parts of egg cases at the maximum prices established in this Maximum Price Regulation No. 117, and in addition, sell new component parts of egg cases at the prevailing market price for the new parts, on the condition that the billing or invoice identify each item sold and state separately the price charged; (5) adding a brokerage fee, loading charge, service charge, selling commission, or purchasing commission to the maximum prices established in this Maximum Price Regulation No. 117; (6) exchanging empty used egg cases for filled egg cases on a basis which results in reducing the price of eggs below the price which would have prevailed if both the filled cases and the empty used cases had been sold rather than exchanged.

§ 1377.15 *Records and reports.* (a) Every seller subject to this Maximum Price Regulation No. 117 making sales or deliveries of used egg cases or component parts to the value of $50.00 or more in any one month, after April 22, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, a complete and accurate record of each sale or delivery of used egg cases or component parts, showing the date of the sale, the name and address of the buyer and seller, the price received, the quantity of cases and/or parts sold, and whether the cases and/or parts were reconditioned or unreconditioned.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1377.16 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 117 are subject to the criminal penalties, and civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 117 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1377.17 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 117 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1,

[1] 7 F.R. 971.

issued by the Office of Price Administration.

§ 1377.18 *Definitions.* (a) When used in the Maximum Price Regulation No. 117, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized groups of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Deliver" means to make physical transfer to the purchaser, or to a carrier, not owned or controlled by the seller, for carriage to the purchaser, to whom the products have been sold.

(3) "Egg case emptier" means any person who unpacks eggs from a case.

(4) "Bulk emptier or breaker" means any person who unpacks eggs from a case and either has available three hundred or more cases for sale in a single lot or has emptied more than six hundred cases in the week immediately prior to the sale subject to this Maximum Price Regulation No. 117.

(5) "Accumulating warehouse" means a place, other than a place at which egg cases are emptied, at which used egg cases brought in from egg case emptiers are collected and warehoused and which either has available three hundred or more cases for sale in a single shipment or has collected more than six hundred cases in the week immediately prior to the sale subject to this Maximum Price Regulation No. 117.

(6) "Used egg case dealer or broker" means any person who purchases used egg cases and (i) resells such cases after such warehousing and/or reconditioning as may be necessary to meet trade requirements, or (ii) acts as a broker of used egg cases and resells such cases without further handling.

(7) "Peddler" of used egg cases means any person who collects used egg cases from egg case emptiers and from other sources and sells such cases without reconditioning or warehousing.

(8) "Retailer" of used egg cases means any person who operates in a rural egg producing area an establishment which does not empty eggs from cases for purposes other than grading and repacking into other cases, but which purchases empty used egg cases from sources outside the retailer's organization and which sells such cases to egg producers in that area without servicing the cases other than providing storage and delivery. The term "retailer" of used egg cases does not include retail merchants, who empty eggs from cases for purposes other than grading and repacking into other cases.

(9) "Poultrymen's cooperative association" means any association of poultry producers that satisfies the standards for a cooperative association established in the Capper-Volstead Act (42 Statutes at Large 388 (1922), 7 United States Code § 291–92) and which is recognized as a cooperative association by the Farm Credit Administration of the Federal Government.

(10) "Used egg cases" means used standard wooden containers, complete with new or used cover, twelve new or used flats, and ten new or used fillers, designed to pack 30 dozen average size eggs.

(11) "Component parts", referring to component parts of used egg cases, means used shells, covers, flats and/or fillers for egg cases which parts are not sold as a complete used egg case.

(12) "Eastern area" means the states of Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

(13) "Central area" means the states of Wisconsin, Michigan, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, and Alabama.

(14) "Western area" means the states of Minnesota, Iowa, Missouri, Arkansas, Louisiana, Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1377.19 *Replacement of temporary maximum price regulation No. 2—used egg cases.*

On April 23, 1942, the effective date provided in § 1377.20 hereof, this Maximum Price Regulation No. 117 replaces and revokes Temporary Maximum Price Regulation No. 2[2]—Used Egg Cases, issued by the Price Administrator. Until such date, Temporary Maximum Price Regulation No. 2 remains in full force and effect as set forth in § 1377.8 thereof.[3]

§ 1377.20 *Effective date.* This Maximum Price Regulation No. 117 (§§ 1377.11 to 1377.21 inclusive) shall become effective April 23, 1942.

Issued this 22nd day of April, 1942.

LEON HENDERSON,
Administrator.

§ 1377.21 *Appendix A—Maximum prices for used egg cases and component parts.* (a) The maximum prices, f. o. b. conveyance at emptying point, for unreconditioned used egg cases and component parts sold for shipment from egg case emptiers, other than bulk emptiers or breakers as defined in § 1377.18 (a) (4), shall be as follows: (These maximum prices apply to sales of used egg cases by grocery stores, dairy stores, bakeries, and other establishments which empty eggs from cases for purposes of sale or breaking and which are not bulk emptiers or breakers, as defined in § 1377.18 (a) (4)).

[2] 7 F.R. 1493.
[3] 7 F.R. 1493.

	Unreconditioned shell	12 unselected flats	10 unselected fillers	Unselected cover	Complete unreconditioned case (unreconditioned shell and unselected cover; 12 unselected flats and 10 unselected fillers)
When shipment to the purchaser originates in the:	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
Eastern Area	2	2	2	1	7
Central Area	5	3	3	1	12
Western Area	8	3	3	1	15

(b) The maximum prices, f. o. b. conveyance at emptying point, for unreconditioned used egg cases and component parts sold for shipment from bulk emptiers or breakers, as defined in § 1377.18 (a) (4), shall be as follows:

	Unreconditioned shell	12 unselected flats	10 unselected fillers	Unselected cover	Complete unreconditioned case (unreconditioned shell and unselected cover; 12 unselected flats and 10 unselected fillers)
When shipment to the purchaser originates in the—	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
Eastern area	3	3	3	1	10
Central area	6	4	4	1	15
Western area	9	4	4	1	18

(c) The maximum prices, delivered, for unreconditioned used egg cases and component parts sold by used egg case peddlers, as defined in § 1377.18 (a) (7), and the maximum prices, f. o. b. conveyance at place of shipment to purchaser for unreconditioned egg cases and component parts sold by used egg case brokers and dealers and accumulating warehouses, as defined in § 1377.18 (a) (5) (6), shall be as follows:

	Unreconditioned shell	12 unselected flats	10 unselected fillers	Unselected cover	Complete unreconditioned case (Unreconditioned shell and unselected cover; 12 unselected flats and 10 unselected fillers.)
When shipment to the purchaser originates in the:	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
Eastern area	5	3	3	1	12
Central area	8	4	4	1	17
Western area	11	4	4	1	20

(d) The maximum prices, f. o. b. place of shipment to purchaser, for reconditioned used egg cases and component parts sold by any person, other than a retailer of used egg cases or a poultrymen's cooperative association, shall be as follows:

	Reconditioned shell (sound; solid; inspected; recooped where necessary; openings not to exceed 1 inch in width)	12 selected standard cupped flats (cups unbroken and firm; inspected; free of odors and yoke stains; no large tears)	10 selected fillers (unbroken and firm; inspected; free of odors and yoke stains)	Reconditioned full cover (sound and solid; inspected) (For strips suitable for cover, deduct 1¢)	Complete reconditioned case (reconditioned shell and full cover; 12 selected standard cupped flats and 10 selected fillers)
When shipment to the purchaser originates in the—	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
Eastern Area	10	5	5	2	22
Central Area	13	6	6	2	27
Western Area	16	6	6	2	30

NOTE: Any person who reconditions and sells a used egg case or component parts shall affix an easily noticeable paper label to the case or parts stating that the case or parts have been reconditioned and setting forth the name and location of the reconditioner. The label shall be affixed in such a manner that it necessarily will be broken when the case or parts are utilized to carry eggs.

(e) The maximum prices, f. o. b. conveyance at retail establishment, for complete reconditioned and unreconditioned used egg cases sold out of stocks by retailers of used egg cases, as defined in § 1377.18 (a) (8), shall be as follows: (These maximum prices do not apply to sales of used egg cases by grocery stores, dairy stores, bakeries, and other establishments which empty eggs from cases for purposes of sale or breaking.)

	Complete unreconditioned case	Complete reconditioned case
When the establishment of the retailer is located in the—	*Cents*	*Cents*
Eastern Area	20	30
Central Area	25	35
Western Area	28	38

(f) Where in this Appendix maximum prices are stated in terms of prices f. o. b. conveyance at a designated location, the seller may charge a delivered price consisting of such maximum prices plus transportation charges to the extent that transportation costs are paid or incurred by the seller in delivering the case to the purchaser; such transportation costs must be shown as a separate item in the billing or invoice.

[F. R. Doc. 42-3586; Filed, April 22, 1942; 11:40 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service

PART 26—OLYMPIC NATIONAL PARK; TIMBER DISPOSAL REGULATIONS

Sec.

AUTHORITY: §§ 26.1 to 26.7, inclusive, are issued under 39 Stat. 535; 16 U.S.C. 3.

§ 26.1 *Disposal of logs, fuel wood, etc.; cutting of green timber.* The disposal of logs, fuel wood, poles, and other forest products in Olympic National Park by timber disposal permits is permitted only where such disposal will be of benefit to the forest stand through the reduction of existing fire hazards, such as are caused by dead, down, or blowndown timber. In no instance will the cutting of green timber be permitted for private use except on road right-of-way clearing projects or in blowndown clearing projects where such timber may be made available.

§ 26.2 *Permits.* (a) All timber disposal permits shall be issued and approved in writing by the park superintendent's office prior to the initiation of any cutting activities. Such permits shall include a map designating the area to be cut. Application for such permits should be made to the park superintendent.

(b) All timber disposal permits may be suspended when weather conditions or other considerations make timber disposal operations undesirable for the best interests of the Government.

(c) Permittees and their employees and agents shall at all times conform to all laws and regulations applicable to Olympic National Park.

§ 26.3 *Timber disposal operations.* (a) All Douglas fir, Sitka spruce, and western white pine logs are considered merchantable which are not less than 20 feet long, at least 12 inches in diameter inside bark at small end, and after deductions for visible indications of defect scale 33⅓ percent of their gross scale.

(b) All western red cedar logs, chunks, and slabs are considered merchantable which are not less than 20 feet long; such logs to be at least 12 inches in diameter inside bark at small end, and chunks and slabs to be at least 12 inches minimum end measurement, which logs, chunks, and slabs, after deductions for visible indications of defects, scale 33⅓ percent of their gross scale in material which will make shingles of any merchantable grade.

(c) Logs of other species are considered merchantable which are not less than 20 feet long, 12 inches in diameter inside bark at small end, and scale 50 percent or more of their gross scale.

(d) All cordwood shall be utilized to a minimum diameter of 6 inches unless rotten.

(e) Stump heights under ordinary circumstances shall not exceed 24 inches on the side adjacent to the highest ground.

(f) No cutting of dead-topped or other partially green trees, except in windfalls, shall be permitted unless marked for cutting by the park superintendent or his representative.

(g) Poles and piling shall be measured in lineal feet to the nearest 2-foot length.

(h) All cedar timber cut for shakes may be measured in board feet, using the Scribner "Decimal C" log rule, or may be measured by the number of shakes cut.

(i) All saw logs shall be scaled by the Scribner "Decimal C" log rule. The maximum scaling length for saw logs shall be 40 feet. Greater lengths shall be scaled as two or more logs. Eight inches shall be allowed for trimming, and on logs over 40 feet in length an additional 2 inches shall be allowed for each 10 feet in length or fraction thereof in excess of 40 feet.

(j) Fuel wood and split pulpwood shall be measured in cords.

(k) Damage resulting to forest reproduction or remaining trees shall be kept to a minimum in all timber disposal operations. Any unnecessary damage to forest reproduction, remaining timber, or other ground cover, or the violation of any provision of the regulations in this

part will, at the discretion of the park superintendent, result in the cancellation of the permit. In the event of cancellation of the permit, all bonds given to guarantee the fulfillment of the terms of the permit shall be forfeited, and all moneys theretofore paid by the permittee as a part of the purchase price or otherwise may be retained as liquidated damages.

§ 26.4 *Prevention and suppression of forest fires.* (a) Permittee shall independently do all in his power to prevent and suppress forest fires on the timber disposal area and its vicinity, and shall also require his employees and agents to do likewise. The permittee and his employees and agents shall, so long as the timber disposal permit remains effective, fight forest fires which may occur within the timber disposal permit area, or occur elsewhere as a result of the permittee's operations, independently or under the direction of a park officer, without recompense from the Government.

(b) During periods of fire danger, as designated by the park superintendent, the permittee shall prohibit smoking and the building of fires by his employees and agents.

(c) Fire fighting tools and equipment as specified by the park superintendent at the time of the issuance of the permit shall be kept in suitable caches by the permittee at points designated by the park superintendent, and shall be used only for the suppression of forest fires within or threatening the timber disposal area.

§ 26.5 *Brush and debris disposal.* (a) In no case will anyone attempt to burn brush or other debris without first obtaining a permit in writing from the park superintendent.

(b) All debris resulting from cutting dead timber in green stands will be lopped or scattered so as to lie flat on the ground unless such disposal will, in the judgment of the park superintendent, constitute a serious fire hazard, in which case such debris shall be piled and burned.

(c) All debris resulting from timber operations in old burns shall be piled and burned, with care taken to avoid injury to reproduction. In some instances, upon approval of the park superintendent or his representative, the disposal of such debris may be made by lopping and scattering.

(d) The piling of debris in large piles shall be avoided, where possible, unless such piles are made in large openings in the forest cover.

(e) Piles of debris to be burned in place, unless located in large openings in the forest cover, shall not exceed 6 feet in diameter and 5 feet in height.

(f) Burning other than in piles may be permitted by the park superintendent where, in his judgment, other methods are the most practicable.

(g) Piles which are not to be burned in place shall be placed where they are readily accessible for moving.

(h) No piling shall be done on shoulders of roads or in ditches or along banks immediately adjacent to roads.

(i) All permittees will be required to furnish men to burn brush or logging slash and clean up the area to the satisfaction of and at a time designated by the park superintendent.

(j) Permits issued either for green timber or deadwood products on road rights-of-way clearing projects may, in the discretion of the park superintendent, be exempted from the provisions of this section.

§ 26.6 *Minimum prices for logs, poles, etc.*—(a) *Saw timber:*

	Per M. B. F.
Douglas fir	$0.50
Sitka spruce	.50
Western red cedar	.50
Western white pine	.50
Western hemlock	.25
Silver fir	.25
Other species	.25

(b) *Other products:*

Douglas fir piling	$0.0025 per lineal foot.
Western red cedar poles	.0025 per lineal foot.
Western red cedar shakes	.50 per M. shake.
Fuel wood	.25 per cord.
Split pulpwood, hemlock	.25 per cord.
Split pulpwood, spruce	.25 per cord.

Provided, That free permits may be issued for timber included in designated cleanup and fire hazard reduction areas where such operations will not interfere with National Park Service activities and will not adversely affect the vegetation or protection of the area. Such permittees are, however, subject to charge at double the minimum rates in effect at the time of issuance of the permits for all wood obtained outside designated cleanup and fire hazard reduction areas. Such charge will be considered as the price of the wood and also as liquidated damages.

(c) All forest products sold by the Govment will be measured or scaled by a park officer or individual designated by the park superintendent, either on the site of the cutting operations or at some other point designated by the park superintendent.

(d) Forest products obtained on a free permit shall not be sold. The permittee must sign a statement to the effect that such products will not be sold to anyone and will not be used for the construction of buildings or other improvements on privately owned lands in Olympic National Park.

§ 26.7 *Concessionaires.* All concessionaires operating under agreements with the Secretary of the Interior will be governed by the clauses covering the use of timber as provided in their respective agreements.

Approved: April 13, 1942.

[SEAL] E. K. BURLEW,
First Assistant Secretary.

[F. R. Doc. 42-3547; Filed, April 22, 1942; 9:24 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 5—CLASSIFICATION AND RATES OF POSTAGE

PROCEEDINGS TO SUSPEND, ANNUL OR REVOKE SECOND-CLASS MAILING PRIVILEGES

APRIL 21, 1942.

5.37a *Proceedings to suspend, annul or revoke second-class mailing privileges*—(a) *Proceedings governed.* These rules shall govern all proceedings under section 536, Postal Laws and Regulations, 1940 (39 U.S.C. 232), relating to the suspension, annulment, or revocation of second-class mailing privileges.

(b) *Waiver, etc., of rules.* The Postmaster General or his duly authorized representative may waive strict compliance with these rules, and may suspend, revoke, modify, amend or supplement the rules at any time: *Provided,* That the application of these rules may be changed in respect of a particular pending or current proceeding only upon appropriate notice to the parties hereto.

(c) *Appearance by other than attorney.* The publisher, and any intervener, if an individual, may appear on his own behalf, if a partnership may appear by a member of the partnership, or if a corporation or association may appear by a bona fide officer of such corporation or association. A department or agency of the Federal Government may be represented by any officer or employee of such department or agency.

(d) *Appearance by attorney.* Any party may be represented in any proceeding by an attorney-at law admitted at the time of, or during, such proceeding, to practice before the Supreme Court of the United States, or the highest court of any State or Territory of the United States, or the United States Court of Appeals for the District of Columbia.

(e) *Authorization to appear.* The hearing officer, prior to or at the opening of any proceeding, may require any individual appearing in a representative capacity as specified in paragraphs (c) and (d) of this section to establish that such individual has been duly authorized to appear and represent the party, and, if the representative is an attorney, to establish that he has fulfilled the requirements of paragraph (d).

(f) *Limitation of representation.* A party shall not be represented in any proceedings except as stated in paragraphs (c) and (d) of this section.

(g) *Exclusion from proceeding.* The hearing officer may exclude from a hearing or from further participation in any particular proceeding any person who, in the course of such proceeding, has engaged in contemptuous, contumacious or disorderly conduct.

(h) *Institution of action.* All proceedings looking toward the suspension, annulment, or revocation of second-class mailing privileges shall be begun by the issuance, by the Postmaster General or his duly authorized representative, of a show cause order.

(i) *Contents of show cause order.* The show cause order shall state the time and place of hearing, and the statutes and portions of the Postal Laws and Regulations involved. The show cause order shall be supplemented either at the time of its issuance or at a reasonable time thereafter, subject to paragraph (l) of this section by a concise statement of the matters to be considered, including the respects in which the publication appears to have failed to have maintained the qualifications necessary for the continuance of its second-class mailing privileges. Such statement shall describe briefly or identify the matter in the publication which appears to constitute a violation of a statute, rule or regulation where the show cause order is based in whole or in part upon the material appearing in such publication.

(j) *Service of show cause order.* The show cause order shall be sent to the publication involved by registered mail a reasonable time, but not less than five (5) days, in advance of hearing. The show cause order shall be sent to the publication at its last known office of publication as such office is stated pursuant to section 530, paragraph 2 (e) Postal Laws and Regulations, 1940.

(k) *Answers.* Any publication served with a show cause order may, before the time designated for hearing, file with the Postmaster General an answer to the show cause order. Such answer, if filed, shall contain a concise statement of the facts and contentions which constitute the ground of defense. If answer is filed, any facts alleged in the show cause order which are expressly admitted or not denied in the answer may be considered as proved and no further evidence in respect of such facts need be adduced by the Post Office Department at the hearing.

(l) *Amendments.* The show cause order may be amended not less than five (5) days, and the answer, if any, may be amended not less than three (3) days, before the hearing. Thereafter, and at any time prior to the close of the hearing, the pleadings may be amended only on leave of the hearing officer or, if none has yet been designated, by the Postmaster General or his duly authorized representative, upon motion of the party seeking amendment. Such motion shall be accompanied by at least three written copies of the amendment. Motions to amend shall be liberally treated, but in any case where the amendment comprises new matter, a reasonable time shall be allowed within which the party affected by the amendment may familiarize himself with such matters before taking testimony in regard thereto. When issues not raised by the pleadings are tried by express or implied consent of the parties, they may be treated in all respects as if they had been raised in the pleadings.

(m) *Hearing officer; designation.* All hearings shall be held before such individual or individuals, herein referred to as hearing officers, as are duly designated by the Postmaster General.

(n) *Hearings before more than one person.* The Postmaster General may designate more than one hearing officer to conduct any proceeding. Where more than one hearing officer is designated, the authority to perform any act vested in a hearing officer under these rules shall be vested in a majority of the officers conducting the hearing, and one of the hearing officers shall be designated by the Postmaster General as the chairman in such proceeding.

(o) *General authority of hearing officer.* The hearing officer is charged with the duty, and vested with the authority, to conduct a fair, impartial, expeditious, orderly and dignified hearing. He shall have authority to grant continuances, to adjourn proceedings, to examine witnesses, to call for further evidence, and to rule upon the admissibility of evidence and other matters arising in the course of the proceeding, but he shall have no power to decide any motion to dismiss the proceeding or other motion which involves final determination of the merits of the proceeding, such power being reserved exclusively to the Postmaster General or person duly designated by him to make final disposition of the proceeding.

(p) *Papers to be supplied to the hearing officer.* Prior to the opening of the hearing, the hearing officer shall be furnished with a copy of all pleadings and other formal papers filed in connection with the proceeding.

(q) *Right to hearing.* Before the second-class mailing privileges of any publication are suspended, annulled, or revoked such publication shall be afforded an opportunity for hearing upon the issuance of a show cause order. Such hearing shall be public unless otherwise ordered by the Postmaster General or his duly authorized representative.

(r) *Intervention.* Any person, partnership, corporation or association not a party to the proceedings but desiring to intervene shall make application in writing not less than three (3) days before the time fixed for hearing. Such application shall state whom the applicant represents, shall set out with particularity the grounds on which the applicant possesses a legitimate and direct interest, shall specify the extent to which the applicant desires to participate, and shall state what proof, if any, the applicant seeks to establish. The Postmaster General, or his duly designated representative, shall grant an application to intervene to such extent and upon such terms as he shall deem just and only if he deems it in the public interest and if the interests of justice shall be served thereby: *Provided however,* That nothing herein shall be construed to permit the intervention of an individual solely on the ground that he is a subscriber or contributor to or reader of the publication involved.

(s) *Place of hearing.* All hearings shall be held in the Post Office Department Building, 12th Street and Pennsylvania Avenue, Northwest, Washington, D. C., unless otherwise specified by the Postmaster General, or his duly authorized representative.

(t) *Failure of respondent to appear.* Failure of the publication, herein called the respondent, upon which a show cause order has been duly served to appear at the time and place fixed for hearing may be deemed to be a waiver of the right to a hearing and as authorizing the Postmaster General forthwith to issue an order suspending, annulling, or revoking the second-class mailing privileges.

(u) *Order of procedure.* The hearing shall be opened with a brief opening statement by the Solicitor of the Post Office Department or his representative. The respondent may then make a brief opening statement. Such opening statements shall include a summary of the matters sought to be proved and shall be included in the transcript unless the parties agree to the contrary. Thereupon, the Solicitor or his representative shall proceed with the introduction of the evidence to show why the respondent's second-class mailing privileges should be suspended, annulled, or revoked. Thereafter the respondent may introduce evidence, to show why the second-class mailing privileges accorded to the publication should not be suspended, annulled, or revoked. The Solicitor or his representative may then, in the discretion of the hearing officer, introduce evidence in rebuttal.

(v) *Transcript of record.* Hearings shall be reported and a transcript thereof shall be made which shall be a part of the record of the proceeding. Transcripts of hearings will be supplied by the official reporter at the prescribed rates, except that if the hearing is private transcripts shall be supplied only to the parties and such other persons as may be designated by the Postmaster General or his duly authorized representative.

(w) *Witnesses.* All witnesses shall be duly sworn and subject to cross-examination.

(x) *Exhibits and documentary evidence.* An exhibit may be received in evidence subject to objection and rebuttal, after opportunity to examine the exhibit. Insofar as practicable, where relevant and material matter offered in evidence is embraced in a document or exhibit containing other matter not material or relevant or not relied upon by the offering party, such immaterial or irrelevant parts shall be excluded, or shall be segregated by clear marking.

(y) *Objections.* Objections to the admission or exclusion of evidence shall state briefly the grounds or objections relied upon, and the transcript shall not include argument thereon except as ordered by the hearing officer. Rulings by the hearing officer on such objections shall be a part of the transcript. Exceptions need not be noted to any adverse ruling.

(z) *Oral argument.* At the conclusion of the taking of evidence, the parties shall have the right to argue orally before the hearing officer. The Solicitor or his representative shall have the right to open and close. Unless otherwise ordered by the hearing officer, no party shall be entitled to more than an hour for such argument. Such argument should be included in the transcript unless the parties agree to the contrary.

(aa) *Briefs.* At the close of the hearing or within such time as the hearing

officer specifies, parties to the proceeding may file a brief which shall be confined to the matters in issue. All statutes and authorities relied upon shall be cited, and where any issue of fact is argued in the brief, specific page references to such portions of the record as may be relevant shall be included.

(bb) *Hearing officer's report.* Upon the basis of the hearing, arguments, and briefs the hearing officer shall promptly prepare a report which shall include his findings, conclusions, and recommendations. Such report shall be signed by the hearing officer or officers; if more than one hearing officer conducted the proceeding, each shall include his own report if he does not agree. The hearing officer's report shall be transmitted forthwith to the Postmaster General, together with the transcript, the briefs and the exhibits. Unless otherwise ordered by the Postmaster General, the report shall not be made public or transmitted to the parties.

(cc) *Decision.* Upon the basis of the transcript, the briefs, the exhibits and the hearing officer's report, the Postmaster General, or his duly designated representative, shall issue an order either suspending, annulling, or revoking the second-class mailing privileges of the publication involved or dismissing the proceeding. He may accompany such order by a statement of reasons or opinion. (R.S. 161, 5 U.S.C. 22, Sec. 1, 31 Stat. 1107, 39 U.S.C. 232)

[SEAL] FRANK C. WALKER,
Postmaster General.

[F. R. Doc. 42-3543; Filed, April 21, 1942; 4:19 p. m.]

TITLE 41—PUBLIC CONTRACTS

Chapter II—Division of Public Contracts

EXEMPTION FROM THE PROVISIONS OF SECTION 1 OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT TO PERMIT THE EMPLOYMENT OF FEMALE PERSONS UNDER 18 YEARS OF AGE IN CERTAIN INDUSTRIES

The Secretary of War having requested that an exemption be granted under section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., Supp. III, 35), hereinafter called the Act, permitting the award of contracts to contractors in the following industries:

Food processing
Wearing apparel and allied products
Textile products (including yarn fabrics, knitted goods and other fiber products)
Leather products (including luggage and saddlery)
Boots and shoes
Rubber products
Photographic equipment and supplies
Chemical, drug and allied products
Surgical and scientific instruments
Optical instruments
Arms and ammunition
Electrical manufacturing
Plastic products
Safety appliances
Machinery and allied products
Converted paper products
Fabrication of metal products (including nonferrous metal products)

without the inclusion in such contracts as required by section 1 (d) of the Act of the representation and stipulation:

That no * * * female person under eighteen years of age * * * will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in such contract;

And the Secretary of War having requested that such exemption permit the employment of female persons between the ages of 16 and 18 on contracts which have been or may be awarded to contractors in these industries subject to the conditions specified below; and

The Secretary of War having made the written findings that the inclusion of such stipulation as provided in section 1 (d) of the Act will seriously impair the conduct of Government business by retarding essential production in these industries; and

Notice of Opportunity To Show Cause why such an exemption should not be granted having been sent to trade associations and publications and to labor unions, and having been duly published in the FEDERAL REGISTER (7 F.R. 1117); and

The Secretary of War having, subsequent to the Notice to Show Cause, amended his findings, pending further study, to exclude the Wearing Apparel and Allied Products Industry and the Textile Products Industry from the list of industries for which the exemption was requested; and

All communications and documents received pursuant to the Notice to Show Cause having been duly considered; and

It appearing that justice and public interest will be served by the granting of the exemption on the basis of the amended findings of the Secretary of War,

I hereby grant, pursuant to the powers vested in me by section 6 of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C., Sup. III, 35) until further ordered an exemption from the application of section 1 (d) and section 2 of the Act with respect to employment of girls between the ages of sixteen (16) and eighteen (18) by contractors from this date in any of the following industries:

Food processing
Leather products (including luggage and saddlery)
Boots and shoes
Rubber products
Photographic equipment and supplies
Chemical, drug and allied products
Surgical and scientific instruments
Optical instruments
Arms and ammunition
Electrical manufacturing
Plastic products
Safety appliances
Machinery and allied products
Converted paper products
Fabrication of metal products (including nonferrous metal products)

Subject to the following conditions:

(1) That no girl under 16 years of age shall be employed.

(2) That no girl under 18 years of age shall be employed for more than 8 hours in any one day, or between the hours of 10 p. m. and 6 a. m., or in any way contrary to State laws governing hours of work.

(3) That no girl under 18 years of age shall be employed in any operation or occupation which, under the Fair Labor Standards Act or under any State law or administrative ruling, is determined to be hazardous in nature or dangerous to health.

(4) That for every girl under the age of 18 years employed by him the contractor shall obtain and keep on file a certificate of age showing that the girl is at least 16 years of age.

(5) That a specific and definite luncheon period of at least 30 minutes be regularly granted any women workers under 18 years of age.

(6) That no girl under 18 shall be employed at less than the minimum hourly rate set by or under the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act for the industry in which the exemption is granted.

Dated: April 21, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-3534; Filed, April 22, 1942; 11:22 a. m.]

TITLE 46—SHIPPING

Chapter II—Coast Guard; Inspection and Navigation

Subchapter K—Seamen

PART 138—RULES AND REGULATIONS FOR THE ISSUANCE OF CERTIFICATES AND CONTINUOUS DISCHARGE BOOKS

Section 138.4 (*Lifeboat man*) paragraph (a), is amended to read as follows:

§ 138.4 *Lifeboat man.* (a) An applicant, to be eligible to sit for a certificate of efficiency as lifeboat man, must furnish satisfactory evidence to the examiner that he has had the following experience:

* * * * *

Fourth. A graduate of a school ship operated by the United States Maritime Service; or

* * * * *

(R.S. 161, R.S. 4488, as amended; sec. 13, 38 Stat. 1168, as amended; 5 U.S.C. (1940 Ed.) 22, 46 U.S.C. (1940 Ed.) 481, 672; E.O. 9083, 7 F.R. 1609)

R. R. WAESCHE,
Commandant.

APRIL 21, 1942.

[F. R. Doc. 42-3553; Filed, April 22, 1942; 10:01 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commission modifying the classifications of Investment in Road and Equipment; Income, Profit and Loss, and General Balance Sheet Accounts; also Accounting Bulletin No. 15, dated April 13, 1942, effective January 1, 1943, was filed with the Division of the Federal Register, April 22, 1942, at 10:18 a. m., F.R. Doc. No. 42-3564. Requests for copies should be addressed to the Interstate Commerce Commission.

Chapter II—Office of Defense Transportation

[General Order O. D. T. No. 3]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART B—COMMON CARRIERS OF PROPERTY

By virtue of the authority vested in me by Executive Order No. 8989 dated December 18, 1941,[1] and in order to assure maximum utilization of the facilities, services, and equipment of common carriers by motor vehicle for the preferential transportation of materials of war and to prevent shortages in motor vehicle equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, material, and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That:

Sec.

AUTHORITY: §§ 501.4 to 501.15, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 501.4 *Definitions.* As used in this subpart:

(a) The term "property" means all material, equipment and supplies of every kind, capable of being transported by motor truck.

(b) The term "motor truck" means either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof.

(c) The term "common carrier" means any person which holds itself out to the general public to engage in the transportation of property in over-the-road service by motor truck for compensation, regardless of the designation of such person under any Federal or State statute.

(d) The term "capacity" means the rated load-carrying ability of the tires on the motor truck (as shown in Appendix No. 1 attached hereto). Where the commodity is of light density the total space available for a load shall be the measure of capacity.

(e) The term "special equipment" means any motor truck the primary carrying capacity of which is occupied by mounted machinery, or by a mounted tank or tanks designed to carry bulk liquids; low-bed motor trucks, pole trailers or pipe dollies.

(f) The term "over-the-road" service means all operations except those wholly within any municipality or urban community, or between contiguous municipalities or urban communities, or within a zone adjacent to and commercially a part of any such municipality or municipalities or urban communities, or except hauls not more than fifteen (15) miles in length.

(g) The term "circuitous route" means any route or routes or combination thereof which exceeds the most direct highway route by ten (10) percent.

(h) The term "person" means any individual, firm, copartnership, corporation, company, association, including a farm cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

§ 501.5 *Elimination of waste.* On and after the effective date specified in § 501.15 every common carrier shall:

(a) Eliminate waste in operation and in duplication of parallel services, and curtail schedules and services to the extent necessary to carry out the purposes of this Order.

(b) Conserve and properly maintain tires, motor truck equipment and other facilities necessary in conducting the business of a common carrier.

§ 501.6 *Loading and operating requirements.* On and after the effective date specified in § 505.15, no common carrier shall:

(a) Operate a motor truck transporting a gross load which exceeds by more than twenty (20) per cent its capacity as defined in § 501.4.

(b) Operate a motor truck in over-the-road service unless such truck is loaded to capacity at origin point and will be loaded to not less than seventy-five (75) per cent of capacity on the return trip; or unless loaded to seventy-five (75) per cent of capacity at origin point and will be loaded to capacity on the return trip: *Provided, however,* That no intermediate point at which a portion of a load has been discharged shall be deemed to be a point of origin, but the point at which the last portion of a load has been discharged shall be deemed to be the point of the beginning of a return trip: *And, provided further,* That when a motor truck has moved, loaded to capacity, in the direction of the heavy general flow of traffic by motor truck, it may be returned to its origin point partially loaded or empty, if there is no property in the possession of or on order to any common carrier awaiting transportation to, beyond or intermediate to said orgin point to which said motor truck is returning, in a quantity which is beyond the capacity of such other carrier to transport within the time limit provided in § 501.12.

(c) Accept or receive any property for transportation or transport any property, over any circuitous route or routes, except when no carrier capable of performing the service over a direct route is available: *Provided, however,* That nothing contained in this paragraph shall prevent a common carrier from operating over a circuitous route when the direct route may be unsafe or unusable, or may be more destructive to tires or motor trucks.

§ 501.7 *Operations when empty.* Nothing contained in § 501.6 (b) shall prevent a motor truck from moving empty from the point of final discharge of lading to a nearby point, where traffic is available for loading, if such traffic can not be transported by any carrier under any of the conditions set out in said § 501.6 (b).

§ 501.8 *Exemptions.* The provisions of § 501.6 (b) shall not apply to or include the following:

(a) A motor truck exclusively containing explosives or dangerous articles, as the latter are defined in 18 U. S. Code 383.

(b) A motor truck controlled and operated by any person or persons principally engaged in farming when used in the transportation of agricultural commodities and products thereof from a farm or farms, or in the transportation of farm supplies to a farm or farms.

(c) Any motor truck coming within the definition of special equipment.

§ 501.9 *Operations by special authority.* The provisions of this subpart shall not apply to any motor truck which is engaged in a movement that is authorized by special or general permit of this Office.

§ 501.10 *Submission of plans.* Whenever joint action between two or more common carriers is contemplated in order to accomplish any of the purposes of this subpart, such carriers may formulate and submit to this Office for consideration, a plan or plans designed to accomplish such purposes by one or more of the methods described below:

(a) Alternate or stagger motor truck schedules between two or more points.

(b) Reciprocally exchange shipments or property between two or more points.

(c) Pool traffic, revenues, or both, between two or more points.

(d) Jointly load or operate a motor truck or trucks between two or more points.

(e) Divert traffic, lease equipment, operate joint terminals or pick-up or delivery vehicles.

(f) Establish arrangements with other carriers for the interchange of equipment.

[1] 6 F.R. 6725.

(g) Appoint one of their own number or any other person or carrier to act as its or their individual, common or joint agent, to concentrate, receive, load, forward, carry, unload, distribute and deliver property; receive, account for, and distribute gross or net revenues therefrom, or otherwise handle or conduct the carrier's business as carriers of property upon just and reasonable terms and conditions: *Provided,* That this subpart shall not be construed to authorize any carrier or carriers to operate in any of the methods described in this section unless directed so to do by the Interstate Commerce Commission or a State regulatory body or the Office of Defense Transportation.

§ 501.11 *Interchange of traffic.* Every common carrier whether by rail, motor, water or otherwise shall accept and receive from any other carrier and transport all shipments of every kind. Such shipments shall be handled and transported in the same expeditious and efficient manner as shipments of a like nature received from any other source: *Provided,* That no carrier shall be required to accept or receive shipments it is not authorized to transport, or at a point or points which the receiving carrier is not authorized to serve, or beyond his or its ability to transport.

§ 501.12 *Holding shipments.* No common carrier shall hold, carry over, store, or warehouse any shipments at any one station, except the final destination of the shipment, for longer than 36 hours, or at two or more such stations for an aggregate period of more than 48 hours, except where there is no other carrier or carriers capable of transporting the shipments consistently with the provisions of this subpart.

§ 501.13 *Records and reports.* Every common carrier shall prepare and maintain such records, and make such reports, as this Office may hereafter require for the purpose of this subpart, and keep such records available and open for inspection at all reasonable times for investigation by this Office.

§ 501.14 *Carrier liability.* Common carrier responsibility to the owner of the property and among the participating carriers shall be as provided by law for initial, terminating, intermediate or delivering carriers.

§ 501.15 *Division of revenues; effective date.* Every common carrier by rail, motor, water or otherwise shall establish just, fair and equitable divisions of revenues derived from transportation performed pursuant to this subpart. Unless the division of revenues from any interchanges made pursuant to the provisions of this subpart shall have been agreed upon by the interested carriers, or shall have been prescribed by the Interstate Commerce Commission, or by the appropriate State regulatory body, such revenues shall be divided as this Office shall order.

This subpart shall become effective June 1, 1942.

Witness my hand this 20th day of April, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX NO. 1

The capacity of any motor truck shall be determined by multiplying the number of tires, of the size and description, mounted on the running wheels of such motor truck by the number of pounds of rated load carrying ability of such tires as designated in this Appendix; from the result of this computation there shall be deducted the unladen weight of the motor truck; the remaining balance, for the purposes of this subpart shall be the capacity of such motor truck as defined in § 501.4 (d).

Formula: Tires × carrying ability of tires, deduct unladen weight of vehicle. Result gives load to be carried.

Example:

Tires 9.00 x 20
10×3,450 lbs.=34,500 lbs.
14,500 lbs. unladen weight.
20,000 load to be carried.

DESCRIPTION OF TIRE

Size	Number of plies	Rated load carrying ability in pounds per tire
15"	6	1,500
15"	8	1,700
6.00—16	6	1,120
6.00—17	6	1,220
6.00—20	6	1,400
6.00—20/30 x 5	8	1,700
6.50—16	6	1,220
6.50—17	6	1,500
6.50—18	6	1,575
6.50	6	1,700
6.50—20/32 x 6	8	1,950
7.00—15	6	1,415
7.00—15	8	1,675
7.00—16	6	1,425
7.00—16	8	1,650
7.00—17	6	1,550
7.00—17	8	1,725
7.00—18	8	1,800
7.00—20	8	1,950
7.00—20/32 x 6	10	2,250
7.00—24/36 x 6	10	2,575
7.50—15	8	1,825
7.50—15	10	2,225
7.50—16	6	1,650
7.50—16	8	1,850
7.50—17	8	2,000
7.50—18	8	2,100
7.50—18/32 x 7	10	2,500
7.50—20	8	2,250
7.50—20/34 x 7	10	2,700
7.50—24	8	2,550
7.50—24/38 x 7	10	3,150
8.25—15	10	2,275
8.25—15	12	2,600
8.25—18	10	2,550
8.25—18	12	2,925
8.25—20	10	2,750
8.25—20	12	3,150
8.25—22	10	2,950
8.25—24	10	3,125
8.25—24	12	3,600
9.00—15	10	2,575
9.00—15	12	3,200
9.00—18	10	3,225
9.00—18	12	3,600

DESCRIPTION OF TIRE—Continued

Size	Number of plies	Rated load carrying ability in pounds per tire
9.00—20	10	3,450
9.00—20/36 x 8	12	3,850
9.00—22	10	3,675
9.00—24	10	3,925
9.00—24/40 x 8	12	4,375
10.00—15 (9.75—15)	12	3,375
10.00—18 (9.75—18)	12	3,775
10.00—20 (9.75—20)	12	4,000
10.00—20/38 x 9	14	4,350
10.00—22 (9.75—22)	12	4,275
10.00—24 (9.75—24)	12	4,550
10.00—24/42 x 9	14	4,925
11.00—18 (10.50—18)	12	4,200
11.00—20 (10.50—20)	12	4,500
11.00—20 (10.50—20)	14	4,850
11.00—22 (10.50—22)	12	4,750
11.00—24 (10.50—24)	12	5,000
11.00—24 (10.50—24)	14	5,400
12.00—18 (11.25—18)	14	5,125
12.00—20 (11.25—20)	14	5,475
12.00—20/40 x 10	16	5,875
12.00—22	14	5,800
12.00—24 (11.25—24)	14	6,150
12.00—24/44 x 10	16	6,600
13.00—20 (12.75—20)	16	6,750
13.00—24 (12.75—24)	16	7,575
14.00—20 (13.50—20)	16	8,200
14.00—20 (13.50—20)	18	8,700
14.00—24 (13.50—24)	16	9,150
14.00—24 (13.50—24)	18	9,700
#10	6	1,100
#11	6	1,100
#12	6	1,200
#13	6	1,200
#14	6	1,400
#15	6	1,500
#16	6	1,600
#17	8	1,700
#18	8	1,800
#19	8	1,900
#20	10	2000
#22	10	2200
#23	10	2500
#24	10	3400
#40	12	4000
#42	12	4200
#44	12	4400
#48	12	4800
#50	12	5000
#52	12	5200

[F. R. Doc. 42-3537; Filed, April 22, 1942; 11:54 a. m.]

SUBPART C—CONTRACT CARRIERS OF PROPERTY

[General Order O. D. T. No. 4]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

By virtue of the authority vested in me by Executive Order No. 8989 dated December 18, 1941, and in order to assure maximum utilization of the facilities, services, and equipment of contract carriers by motor truck for the preferential transportation of materials of war, and to prevent shortages in motor truck equipment necessary for such transportation as contemplated by section 6 (8) of the Interstate Commerce Act; to conserve and providently utilize vital equipment, material, and supplies, including rubber; and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes

is essential to the successful prosecution of the war:

It is hereby ordered, That

AUTHORITY: §§ 501.16 to 501.23, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 501.16 *Definitions.* As used in this subpart:

(a) The term "property" means all material, equipment and supplies of every kind, capable of being transported by motor truck.

(b) The term "motor truck" means either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof.

(c) The term "contract carrier" means any person other than a common carrier as defined by Subpart D,[1] which engages in transportation of property in over-the-road service for compensation.

(d) The term "capacity" means the rated load-carrying ability of the tires on the motor truck (as shown in Appendix No. 1 attached hereto). Where the commodity is of light density the total space available for a load shall be the measure of capacity.

(e) The term "special equipment" means any motor truck the primary carrying capacity of which is occupied by mounted machinery, or by a mounted tank or tanks designed to carry bulk liquids; low-bed motor trucks, pole trailers or pipe dollies.

(f) The term "over-the-road" service means all operations except those wholly within any municipality or urban community, or between contiguous municipalities or urban communities, or within a zone adjacent to and commercially a part of any such municipality or municipalities or urban communities, or except hauls not more than fifteen (15) miles in length.

(g) The term "circuitous route" means any route or routes or combination thereof which exceeds the most direct highway route by ten (10) percent.

(h) The term "person" means any individual, firm, copartnership, corporation, company, association, including a farm cooperative association as defined in the Agricultural Marketing Act, approved June 15, 1929, as amended, or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof.

§ 501.17 *Elimination of waste.* On and after the effective date specified in § 501.23, every contract carrier shall:

(a) Eliminate waste in operations and curtail schedules and services to the extent necessary to carry out the purposes of this subpart.

(b) Conserve and properly maintain tires, motor truck equipment, and other facilities necessary in conducting the business of a contract carrier.

§ 501.18 *Loading and operating requirements.* On and after the effective date specified in § 501.23, no contract carrier shall:

(a) Operate a motor truck transporting a gross load which exceeds by more than twenty (20) per cent its capacity as defined herein.

(b) Operate a motor truck in over-the-road service unless such truck is loaded to capacity at origin point and will be loaded to not less than seventy-five (75) percent of capacity on the return trip; or unless loaded to seventy-five (75) percent of capacity at origin point and will be loaded to capacity on the return trip: *Provided, however,* That no intermediate point at which a portion of a load has been discharged shall be deemed to be a point of origin, but the point at which the last portion of a load has been discharged shall be deemed to be the point of the beginning of a return trip.

(c) Accept or receive any property for transportation or transport any property, over any circuitous route or routes, except when no carrier capable of performing the service over a direct route is available. *Provided, however,* That nothing contained in this sub-section shall prevent a contract carrier from operating over a circuitous route when the direct route may be unsafe or unusable, or may be more destructive to tires or motor trucks.

§ 501.19 *Operations when empty.* Nothing contained in § 501.18 (b) shall prevent a motor truck from moving empty from the point of final discharge of lading to a nearby point, where traffic is available for loading, if such traffic cannot be transported by any carrier under any of the conditions set out in said § 501.18 (b).

§ 501.20 *Exemptions.* The provisions of § 501.18 (b) shall not apply to or include the following:

(a) A motor truck exclusively containing explosives or dangerous articles, as the latter are defined in 18 U. S. Code 383.

(b) A motor truck controlled and operated by any person or persons principally engaged in farming when used in the transportation of agricultural commodities and products thereof from a farm or farms or in the transportation of farm supplies to a farm or farms.

(c) Any motor truck used exclusively in the maintenance of any public utility.

(d) Any motor truck operated exclusively in the furtherance of public health and safety.

(e) Any motor truck coming within the definition of special equipment.

(f) Any motor truck operated exclusively in behalf of the armed forces of the Federal or a State Government.

§ 501.21 *Operations by special authority.* The provisions of this subpart shall not apply to any motor truck which is engaged in a movement that is authorized by special or general permit of this Office.

§ 501.22 *Submission of plans.* Whenever joint action between two or more contract carriers is contemplated in order to accomplish any of the purposes of this subpart, such carriers may formulate and submit to this Office for consideration, a plan or plans designed to accomplish such purposes by one or more of the methods described below:

(a) Alternate or stagger motor truck schedules between two or more points.

(b) Reciprocally exchange shipments or property between two or more points.

(c) Pool traffic, revenues, or both, between two or more points.

(d) Jointly load or operate a motor truck or trucks between two or more points.

(e) Divert traffic, lease equipment to a common or contract carrier: *Provided,* That this subpart shall not be construed to authorize any carrier or carriers to operate in any of the methods described in this section unless directed so to do by the Interstate Commerce Commission, or a State regulatory body, or the Office of Defense Transportation.

§ 501.23 *Records and reports; effective date.* Every contract carrier shall prepare and maintain such records and make such reports as this Office may hereafter require for the purpose of this subpart, and keep such records available and open for inspection at all reasonable times for investigation by this Office.

This subpart shall become effective June 1, 1942.

Witness my hand this 20th day of April 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX NO. 1

The capacity of any motor truck shall be determined by multiplying the number of tires, of the size and description, mounted on the running wheels of such motor truck by the number of pounds of rated load carrying ability of such tires as designated in this Appendix; from the result of this computation there shall be deducted the unladen weight of the motor truck; the remaining balance, for the purposes of this subpart shall be the capacity of such motor truck as defined in § 501.16 (d).

Formula. Tires × carrying ability of tires, deduct unladen weight of vehicle. Result gives load to be carried.

Example:

Tires 9.00 x 20
10×3,450 lbs.=34,500 lbs.
14,500 lbs. unladen weight.
20,000 load to be carried.

[1] See § 501.4 (c), *supra.*

DESCRIPTION OF TIRE

Size	Number of plies	Rated load carrying ability in pounds per tire
15"	6	1,500
15"	8	1,700
6.00—16	6	1,130
6.00—17	6	1,250
6.00—20	6	1,400
6.00—20/30 x 5	8	1,700
6.50—16	6	1,230
6.50—17	6	1,500
6.50—18	6	1,575
6.50—20	6	1,700
6.50—20/32 x 6	8	1,950
7.00—15	6	1,415
7.00—15	8	1,575
7.00—16	6	1,485
7.00—16	8	1,650
7.00—17	6	1,550
7.00—17	8	1,725
7.00—18	8	1,800
7.00—20	8	1,950
7.00—20/32 x 6	10	2,250
7.00—24/36 x 6	10	2,575
7.50—15	8	1,825
7.50—15	10	2,225
7.50—16	6	1,660
7.50—16	8	1,850
7.50—17	8	2,000
7.50—18	8	2,100
7.50—18/32 x 7	10	2,500
7.50—20	8	2,250
7.50—20/34 x 7	10	2,700
7.50—24	8	2,550
7.50—24/38 x 7	10	3,100
8.25—15	10	2,275
8.25—15	12	2,600
8.25—18	10	2,550
8.25—18	12	2,925
8.25—20	10	2,750
8.25—20	12	3,150
8.25—22	10	2,950
8.25—24	10	3,125
8.25—24	12	3,600
9.00—15	10	2,875
9.00—15	12	3,200
9.00—18	10	3,225
9.00—18	12	3,600
9.00—20	10	3,450
9.00—20/36 x 8	12	3,850
9.00—22	10	3,675
9.00—24	10	3,925
9.00—24/40 x 8	12	4,375
10.00—15 (9.75—15)	12	3,375
10.00—18 (9.75—18)	12	3,775
10.00—20 (9.75—20)	12	4,000
10.00—20/38 x 9	14	4,350
10.00—22 (9.75—22)	12	4,275
10.00—24 (9.75—24)	12	4,550
10.00—24/42 x 9	14	4,925
11.00—18 (10.50—18)	12	4,200
11.00—20 (10.50—20)	12	4,500
11.00—20 (10.50—20)	14	4,850
11.00—22 (10.50—22)	12	4,750
11.00—24 (10.50—24)	12	5,000
11.00—24 (10.50—24)	14	5,400
12.00—18 (11.25—18)	14	5,125
12.00—20 (11.25—20)	14	5,475
12.00—20/40 x 10	16	5,875
12.00—22	14	5,800
12.00—24 (11.25—24)	14	6,150
12.00—24/44 x 10	16	6,600
13.00—20 (12.75—20)	16	6,750
13.00—24 (12.75—24)	16	7,575
14.00—20 (13.50—20)	16	8,200
14.00—20 (13.50—20)	18	8,700
14.00—24 (13.50—24)	16	9,150
14.00—24 (13.50—24)	18	9,700
#10	6	1,100
#11	6	1,100
#12	6	1,200
#13	6	1,300
#14	6	1,400
#15	6	1,500
#16	6	1,600
#17	8	1,700
#18	8	1,800
#19	8	1,900
#20	10	2,000
#22	10	2,200
#28	10	2,800
#34	10	3,400
#40	12	4,000
#42	12	4,200
#44	12	4,400
#48	12	4,800
#50	12	5,000
#52	12	5,200

[F. R. Doc. 42-3588; Filed, April 22, 1942; 11:54 a. m.]

[General Order O.D.T. No. 5]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART D—PRIVATE CARRIERS OF PROPERTY

By virtue of the authority vested in me by Executive Order No. 8989 dated December 18, 1941, and in order to conserve and providently utilize transportation facilities and equipment, including rubber tires, of private carriers by motor vehicle; to prevent shortages in motor truck equipment necessary for the prompt and continuous movement of necessary traffic; and to provide for the conservation of vital equipment, material, and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war:

It is hereby ordered, That

Sec.

AUTHORITY: §§ 501.24 to 501.30, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 501.24 *Definitions.* As used in this subpart:

(a) The term "property" means all material, equipment and supplies of every kind, capable of being transported by motor truck.

(b) The term "motor truck" means either (1) a straight truck, (2) a combination truck-tractor and semi-trailer, (3) a full trailer, (4) or any combination thereof.

(c) The term "private carrier" means every person other than a common carrier[1] or a contract carrier as defined in Subparts C and D, who transports property by motor truck in over-the-road service.

(d) The term "capacity" means the rated load-carrying ability of the tires on the motor truck (as shown in Appendix No. 1 attached hereto). Where the commodity is of light density the total space available for a load shall be the measure of capacity.

(e) The term "special equipment" means any motor truck the primary carrying capacity of which is occupied by mounted machinery, or by a mounted tank or tanks designed to carry bulk liquids; low-bed motor trucks, pole trailers or pipe dollies.

(f) The term "over-the-road" service means all operations except those wholly within any municipality or urban community, or between contiguous municipalities or urban communities, or within a zone adjacent to and commercially a part of any such municipality or municipalities or urban communities, or except hauls not more than fifteen (15) miles in length.

(g) The term "circuitous route" means any route or routes or combination thereof which exceeds the most direct highway route by ten (10) per cent.

(h) The term "person" means any individual, firm, copartnership, corporation, company, association, including a farm cooperative association as defined in the Agricultural Marketing Act, Approved June 15, 1929, as amended, joint stock association, or Government or Governmental Agency, and includes any trustee, receiver, assignee, or personal representative thereof.

§ 501.25 *Elimination of waste.* On and after the effective date specified in § 501.30, every private carrier shall:

(a) Eliminate waste in operations and conserve and properly maintain tires, motor truck equipment and other facilities necessary in conducting the transportation by the carrier, and curtail schedules to the extent necessary to carry out the purposes of this subpart.

§ 501.26 *Loading and operating requirements.* On and after the effective date specified in § 501.30, no private carrier shall:

(a) Operate a motor truck transporting a gross load which exceeds by more than twenty (20) per cent its capacity as defined in § 501.24 (d).

(b) Operate a motor truck in over-the-road service unless such truck is loaded to capacity at origin point and will be loaded to not less than seventy-five (75) per cent of capacity on the return trip; or unless loaded to seventy-five (75) per cent of capacity at origin point and will be loaded to capacity on the return trip: *Provided, however,* That no intermediate point at which a portion of a load has been discharged shall be deemed to be a point of origin, but the point at which the last portion of a load has been discharged shall be deemed to be the point of the beginning of a return trip.

(c) Use a circuitous route in any transportation movement, except when no carrier capable of performing the service over a direct route is available.

§ 501.27 *Operations when empty.* Nothing contained in § 501.25 (b) shall prevent a motor truck from moving empty from the point of final discharge of lading to a nearby point, where traffic is available for loading, if such traffic can not be transported by any carrier under any of the conditions set out in said § 501.26 (b).

§ 501.28 *Exemptions.* The provisions of § 501.26 (b) shall not apply to or include the following:

(a) A motor truck exclusively containing explosives or dangerous articles, as the latter are defined in 18 U. S. Code 383.

(b) A motor truck controlled and operated by any person or persons principally engaged in farming when used in the transportation of agricultural commodities and products thereof, from a farm or farms or in the transportation of farm supplies to a farm or farms.

(c) Any motor truck used exclusively in the maintenance of any public utility.

[1] See §§ 501.4 (c), 501.16 (c), supra.

(d) Any motor truck operated exclusively in the furtherance of public health and safety.

(e) Any motor truck coming within the definition of special equipment.

(f) Any motor truck owned, controlled or operated by the armed forces of the Federal or a State Government.

§ 501.29 *Operations by special authority.* The provisions of this subpart shall not apply to any motor truck which is engaged in a movement that is authorized by special or general permit of this Office.

§ 501.30 *Records and reports; effective date.* Every private carrier shall prepare and maintain such records, and make such reports, as this Office may hereafter require for the purpose of this subpart, and keep such records available and open for inspection at all reasonable times for investigation by this Office.

This subpart shall become effective June 1, 1942.

Witness my hand this 20th day of April 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

APPENDIX NO. 1

The capacity of any motor truck shall be determined by multiplying the number of tires, of the size and description, mounted on the running wheels of such motor truck by the number of pounds of rated load carrying ability of such tires as designated in this Appendix; from the result of this computation there shall be deducted the unladen weight of the motor truck; the remaining balance, for the purposes of this subpart shall be the capacity of such motor truck as defined in this subpart.

Formula. Tires × carrying ability of tires, deduct unladen weight of vehicle. Results gives load to be carried.

Example:

Tires 9.00 x 20
10 × 3,450 lbs. = 34, 500 lbs.
14, 500 lbs. unladen weight.

20, 000 load to be carried.

DESCRIPTION OF TIRE

Size	Number of plies	Rated load carrying ability in pounds per tire
15"	6	1,500
16"	8	1,700
6.00—16	6	1,130
6.00—17	6	1,250
6.00—20	6	1,400
6.00—20/30 x 5	8	1,700
6.50—16	6	1,290
6.50—17	6	1,500
6.50—18	6	1,575
6.50—20	6	1,700
6.50—20/32 x 6	8	1,950
7.00—15	6	1,415
7.00—15	8	1,575
7.00—16	6	1,485
7.00—16	8	1,650
7.00—17	6	1,550
7.00—17	8	1,725
7.00—18	8	1,800
7.00—20	8	1,950
7.00—20/32 x 6	10	2,250
7.00—24/36 x 6	10	2,575
7.50—15	8	1,825
7.50—15	10	2,225
7.50—16	6	1,660
7.50—16	8	1,850

DESCRIPTION OF TIRE—Continued

Size	Number of plies	Rated load carrying ability in pounds per tire
7.50—17	8	2,000
7.50—18	8	2,100
7.50—18/32 x 7	10	2,500
7.50—20	8	2,250
7.50—20/34 x 7	10	2,700
7.50—24	8	2,550
7.50—24/38 x 7	10	3,100
8.25—15	10	2,275
8.25—15	12	2,600
8.25—18	10	2,550
8.25—18	12	2,925
8.25—20	10	2,750
8.25—20	12	3,150
8.25—22	10	2,950
8.25—24	10	3,125
8.25—24	12	3,600
9.00—15	10	2,875
9.00—15	12	3,200
9.00—18	10	3,225
9.00—18	12	3,600
9.00—20	10	3,450
9.00—20/36 x 8	12	3,850
9.00—22	10	3,675
9.00—24	10	3,925
9.00—24/40 x 8	12	4,375
10.00—15 (9.75—15)	12	3,375
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11.00—18 (10.50—18)	12	4,200
11.00—20 (10.50—20)	12	4,500
11.00—20 (10.50—20)	14	4,850
11.00—22 (10.50—22)	12	4,750
11.00—24 (10.50—24)	12	5,000
11.00—24 (10.50—24)	14	5,400
12.00—18 (11.25—18)	14	5,125
12.00—20 (11.25—20)	14	5,475
12.00—20/40 x 10	16	5,875
12.00—22	14	5,800
12.00—24 (11.25—24)	14	6,150
12.00—24/44 x 10	16	6,600
13.00—20 (12.75—20)	16	6,750
13.00—24 (12.75—24)	16	7,575
14.00—20 (13.50—20)	16	8,200
14.00—20 (13.50—20)	18	8,700
14.00—24 (13.50—24)	16	9,150
14.00—24 (13.50—24)	18	9,700
#10	6	1,100
#11	6	1,100
#12	6	1,200
#13	6	1,300
#14	6	1,400
#15	6	1,500
#16	6	1,600
#17	8	1,700
#18	8	1,800
#19	8	1,900
#20	10	2,000
#22	10	2,200
#28	10	2,800
#34	10	3,400
#40	12	4,000
#42	12	4,200
#44	12	4,400
#48	12	4,800
#50	12	5,000
#52	12	5,200

[F. R. Doc. 42-3569; Filed, April 22, 1942; 11:55 a. m.]

[General Order O. D. T. No. 6]

PART 501—CONSERVATION OF MOTOR EQUIPMENT

SUBPART E—LOCAL DELIVERY CARRIERS

By virtue of the authority vested in me by Executive Order No. 8989 dated December 18, 1941, and in order to conserve and providently utilize local delivery transportation facilities and equipment, including rubber tires, for service in the several cities and other communities in the United States; to provide for the continuance of the distribution and delivery of necessary traffic in such cities and communities; and to conserve vital equipment, materials and supplies, including rubber, the attainment of which purposes is essential to the successful prosecution of the war, it is hereby ordered, That:

Sec.
501.31 Definitions.
501.32 Special deliveries; call backs; number of deliveries.
501.33 Reduction of mileage.
501.34 Proposed plans for joint action.
501.35 Records and reports.
501.36 Exemptions.

AUTHORITY: §§ 501.31 to 501.36, inclusive, issued under E.O. 8989, 6 F.R. 6725.

§ 501.31 *Definitions.* As used in this subpart:

(a) The term "vehicle" means any rubber-tired vehicle propelled or drawn by mechanical power or by horses.

(b) The term "local carrier" includes every person engaged in the transportation of property by vehicle for compensation or in the furtherance of or incidental to any commercial enterprise, within any municipality or other urban community, or between contiguous municipalities or communities, or within a zone adjacent to and commercially a part of any such municipality or municipalities or communities, or in making hauls which do not exceed 15 miles in length.

(c) The term "person" means any individual, firm, copartnership, corporation, company, association, including any trustee, receiver, assignee, or personal representative thereof, and any agency of the United States or of any State not hereinafter exempted.

(d) The term "special delivery" means a delivery by vehicle made at the special instance or request of a particular person other than as a part of a regular scheduled delivery service.

(e) The term "call backs" means every call by a vehicle of a local carrier at the premises of any one person subsequent to the first call on any given day, and includes calls made for the sole purpose of picking up property for return to consignor, or for making collections.

§ 501.32 *Special deliveries, call backs, number of deliveries.* Effective May 15, 1942, no local carrier shall:

(a) Make any special deliveries except to hospitals and the armed forces of the United States and except deliveries of medicines and other necessary supplies for the protection in emergencies of the public health, life, and safety.

(b) Make any call backs.

(c) Make more than one delivery on any one day to any one person, except special deliveries authorized by paragraph (a) of this section: *Provided, however,* That when one day's shipment or shipments to any one person exceed the capacity of a single vehicle, then and in that event delivery of such shipment or shipments shall be considered as one delivery.

§ 501.33 *Reduction of mileage.* Effective June 1, 1942, each local carrier shall reduce the total monthly vehicle mileage of rubber-tired vehicles in a

minimum amount equal to 25% of the total mileage of vehicles in operation during the same calendar month of the year 1941 exclusive of the mileage eliminated as a result of the requirements of § 501.32. In the event any local carrier was not engaged in operation during the corresponding calendar month in 1941, the mileage of vehicles operated by such local carrier during the month of May, 1942, shall be used as a basis for computing the reduction in monthly vehicle mileage as required by this section.

§ 501.34 *Proposed plans for joint action.* All joint and collective action taken by local carriers in compliance with this subpart shall be in conformity with the terms and provisions of the joint statement issued by the Office of Defense Transportation and the Department of Justice dated March 12, 1942, a copy of which statement is appended to this subpart. In accordance with such statement, proposed plans for pooled or cooperative deliveries, for curtailing services, or for entering into other arrangements involving joint action by local carriers may, if desired, be submitted to this Office for consideration and approval. In order that this Office may be informed concerning plans which have been or are hereafter placed in operation without such prior submission for consideration and approval, a copy of each such plan shall be filed with this Office.

§ 501.35 *Records and reports.* Every local carrier shall prepare and maintain records as to mileage performed and steps taken to comply with the requirements of §§ 501.32 and 501.33, and shall prepare and maintain such other records and make such reports as this Office may hereafter require. All such records shall be kept available and open for inspection to representatives of this Office at all reasonable times.

§ 501.36 *Exemptions.* The provisions of this subpart shall not apply:

(a) To vehicles operated exclusively in connection with the construction and maintenance of essential telegraph, telephone, organized radio communication, electric light and power, gas, water supply, sewage disposal, garbage disposal, and sanitation services;

(b) To vehicles owned, controlled, or operated by the armed forces of any State and of the United States;

(c) To a vehicle controlled and operated by any person or persons principally engaged in farming when used in the transportation of agricultural commodities and products thereof from a farm or farms, or in the transportation of farm supplies to a farm or farms;

(d) To that portion of the business of any local carrier rendered in performing pick-up and delivery service for line-haul motor, rail, express, air and water carriers, or for freight forwarders;

(e) To any vehicle which is engaged in a movement that is authorized by special or general permit of this Office.

Issued at Washington, D. C. this 20th day of April, 1942.

JOSEPH B. EASTMAN,
Director of Defense Transportation.

[F. R. Doc. 42-3590; Filed, April, 22, 1942; 11:56 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-14]

APPLICATION OF THE MILWAUKEE FUEL AND DOCK COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

ORDER GRANTING MOTION TO DISMISS AND CANCELLING NOTICE OF AND ORDER FOR HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on March 18, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C., pursuant to an Order of the Acting Director dated February 9, 1942; and subsequently postponed from such date to April 27, 1942 by Order of the Acting Director dated March 16, 1942; and

The applicant having filed on April 16, 1942, with the Division its Motion to Withdraw its application; and

The Acting Director deeming it appropriate that the said matter be dismissed and said hearing be cancelled:

Now, therefore, it is ordered, That the above-entitled matter be and the same is hereby dismissed without prejudice.

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: April 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3577; Filed, April 22, 1942; 10:59 a. m.]

[Docket Nos. 895-FD, C-5]

APPLICATIONS OF THE B. F. GOODRICH COMPANY FOR A DETERMINATION OF THE STATUS OF COAL PRODUCED ON LAND OWNED BY THE SAID COMPANY IN STARK COUNTY, OHIO, AND IN TUSCARAWAS COUNTY, OHIO, PURSUANT TO THE SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING AND EXTENDING TIME FOR FILING CONCISE STATEMENT OF FACTS

The B. F. Goodrich Company, Applicant, having moved that the hearing in the above-entitled matters heretofore scheduled for May 5, 1942, be postponed until June, 1942, and that the time be extended for the Applicant to file the concise statement in writing of the facts expected to be proved at the hearing, and having shown good cause therefor;

Now, therefore, it is ordered, That the hearing in the above-entitled matters be postponed from 10 o'clock in the forenoon of May 5, 1942, to 10 o'clock in the forenoon of June 16, 1942, at the place and before the officers heretofore designated.

It is further ordered, That the time for the filing by the Applicant of the concise statement of the facts expected to be proved at the hearing be, and the same hereby is, extended to June 1, 1942.

Dated: April 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3578; Filed, April 22, 1942; 11:00 a. m.]

[Docket No. C-7]

APPLICATION OF FORD MOTOR COMPANY REGARDING COAL PRODUCED AT MINE INDEX NOS. 183, 325, AND 449 IN DISTRICT NO. 8, PURSUANT TO SECOND PARAGRAPH OF SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

[Docket No. A-1315]

PETITION OF EASTERN COAL CORPORATION, A CODE MEMBER IN DISTRICT NO. 8 FOR A REDUCTION IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES APPLICABLE TO THE COALS PRODUCED AT MINE INDEX NOS 183, 325, AND 449 FOR ALL SHIPMENTS TO FORD MOTOR COMPANY, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DENYING PROTEST AND EXCEPTIONS TO ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

The matters concerned in the above-entitled dockets appear to involve related issues and accordingly by an Order dated April 3, 1942, these dockets were consolidated for the purpose of hearing and for such other purposes as may be deemed advisable and a hearing was scheduled for April 27, 1942.

Eastern Coal Corporation ("Eastern"), the original petitioner in Docket No. A-1315, has filed a Protest and Exceptions to the said order, requesting that Docket No. A-1315 be severed from Docket No. C-7 and that the hearing in Docket No. A-1315 be postponed until a time subsequent to a decision on the merits of the application filed by Ford Motor Company ("Ford") in Docket No. C-7 on the grounds that it is not a party to the proceedings in Docket No. C-7; that it had no prior opportunity to object to and did not consent to the aforesaid Order; that its prayer for relief is conditioned upon a prior determination of the matters involved in Docket No. C-7; that it has no evidence to offer prior to a determination in Docket No. C-7; and

that it has a right to have its cause heard and determined on its merits independently of any other proceeding.

The application of Ford Motor Company is based, among other matters, upon a contract between Ford and Eastern dated May 19, 1941. The petition of Eastern requests that, in the event of a denial of the application of Ford, the prices as provided in that contract be established "forthwith" as the minimum prices applicable to shipments to Ford by Eastern. If the application of Ford is heard separately, and is denied, any subsequent hearing on the petition of Eastern would duplicate much of the evidence adduced at the hearing on the application of Ford. Consolidation of both dockets will avoid such duplication of evidence.

The fact that Eastern is not a party to the proceedings in Docket No. C–7 in no manner affects its right at the consolidated hearing to adduce such proper evidence in support of its petition and prayer for relief as it may deem appropriate; nor does it appear that Eastern is unable to go forward with its proof at the scheduled hearing.

I am therefore of the opinion that the disposition of the two dockets in a consolidated proceeding will save time, avoid inconvenience, expedite consideration of the temporary or final relief, if any, that may be granted, and will not prejudice any party interested in either docket.

Now, therefore, it is ordered, That the Protest and Exceptions filed on April 11, 1942, by Eastern Coal Company, are denied.

Dated: April 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-3579; Filed, April 22, 1942; 11:00 a. m.]

Bureau of Reclamation.

FEBRUARY 26, 1942.

WAGE FIXING PROCEDURES, COLUMBIA BASIN PROJECT

For the purpose of determining the prevailing rate of wages to be paid certain classes of Government employees on the Columbia Basin Project, and to enable the payment to such employees of time and one-half for work in excess of 40 hours per week, the following procedure is established:

I. *Wage Board.* A Wage Board, composed of three representatives of the Department, one selected from the Office of the Secretary of the Interior and at least one of the other two members selected from the Bureau of Reclamation, is hereby established to determine prevailing wages for similar work in the locality of the Project for persons employed by the Government in the various trades and occupations in the construction or operation and maintenance of the project, excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior. The representatives selected from the Office of the Secretary of the Interior shall act as Chairman of the Board.

II. *Procedure to be followed by Board.* In determining the prevailing wages of various trades and occupations being considered by the Board in the locality of the Project, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by those employed in these trades and occupations from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Davis-Bacon Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendations as to the rates of wages to be paid to the Government employees of the classes above specified on the Columbia Basin Project to the Secretary of the Interior. The wages recommended shall become effective upon the date they are approved by the Secretary of the Interior, unless otherwise directed by the Secretary of the Interior: *Provided,* That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or there is insufficient evidence to support the wage recommended.

III. *Effective period of approved wage determinations.* Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the approval of the Secretary of the Interior. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review wage rates at six-month intervals beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided,* That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

IV. Until otherwise ordered, the Board shall be composed of these departmental representatives: Duncan Campbell, selected from the Office of the Secretary of the Interior; Charles A. Bissell and F. A. Banks, selected from the Bureau of Reclamation.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-3546; Filed, April 22, 1942; 9:26 a. m.]

RECOMMENDATIONS OF THE COLUMBIA BASIN PROJECT WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior, dated February 26, 1942, and entitled *Wage Fixing Procedures, Columbia Basin Project,* The Columbia Basin Project Wage Board has determined prevailing wage rates for certain classes of laborers and mechanics for work of a similar nature prevailing in the vicinity of the project. Public hearings were held in Mason City, Washington, on March 19. Witnesses at the hearings included representatives of labor organizations, of unorganized workers on the project, and officials of the Bureau of Reclamation. Representatives of the United States Department of Labor and the Bonneville Power Administration also participated in the hearings.

In addition to the testimony offered by witnesses at the hearings, the Wage Board has considered wage rate data included in collective bargaining agreements; decisions of the Secretary of Labor made pursuant to the Davis-Bacon Act, as amended; statements of wages paid to employees of Consolidated Builders, Inc.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the project and recommends them for your adoption:

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Aggregate screening plant operator	$1.05	$1.05
Aggregate bin charger	1.15	1.15
Air compressor operator (stationary)	1.25	1.25
Air compressor operator (portable)	1.00	1.00
Air tool operator	1.00	1.00
Blacksmith	1.20	1.20
Blacksmith's helper	1.00	1.00
Boilermaker	1.20	1.20
Brakeman (railroad)	1.15	1.15
Bricklayer (general brick work and inside tile setting)	1.20	1.20
Carpenter	1.37½	1.37½
Carpenter's laborer	.80	.80
Caulker, pipe	1.37½	1.37½
Caulker, ship (wood)	1.37½	1.37½
Cement pump operator	1.15	1.15
Cement screening plant operator	1.15	1.15
Churn driller	1.37½	1.37½
Churn driller's helper	.90	.90
Concrete finisher	1.20	1.20
Concrete mixer operator (under 1 cubic yard)	.90	.90
Concrete mixer operator (1 cubic yard and over)	1.35	1.35
Concrete pump operator	1.20	1.20
Concrete vibrator operator	1.00	1.00
Conductor (railroad)	1.25	1.25
Conveyor tender	.85	.85
Core driller (carbon or calyx)	1.37½	1.37½
Core driller's helper	.90	.90
Crane, derrick and dragline operator	1.05	1.05
Crusher operator	1.05	1.05
Diamond setter	1.20	1.20
Dinkey operator	1.10	1.10
Distributor leverman (road oiling)	1.15	1.15
Diver (up to 60 feet)	3.50	3.50
Diver's tender	.90	.90
Drill sharpener	1.37½	1.37½
Drill sharpener's helper	.90	.90
Electrician	1.20	1.20
Electrician's helper	1.00	1.00
Fireman, locomotive	1.05	1.05
Fireman, shovel, crane, stationary	1.00	1.00
Garageman	.90	.90
Glazier	1.37½	1.37½
Grader operator, power blade	1.15	1.15
Grout mixer and pump operator	1.00	1.00
Hoist operator (one drum)	1.25	1.25
Hoist operator (two drums)	1.20	1.20
Hoist operator (three drums)	1.05	1.05
Jackbit grinder	.90	.90

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Laborer, concrete construction	$0.80	$0.80
Laborer, leadman	1.00	1.00
Laborer, senior	1.00	1.00
Laborer, special	0.90	0.90
Laborer, unskilled	0.75	0.75
Lather, metal	1.50	1.50
Lather, wood	1.50	1.50
Lineman	1.50	1.50
Lineman's helper	1.00	1.00
Locomotive engineer	1.65	1.65
Machinist	1.50	1.50
Machinist's helper	0.95	0.95
Mechanic	1.37½	1.37½
Mechanic's helper	.95	.95
Motorboat operator	1.05	1.05
Oiler, shovel, cranes, draglines and dredges	1.00	1.00
Oiler, others	.85	.85
Ornamental metal worker, special	1.65	1.65
Painter	1.37½	1.37½
Pilot engineer (tug and work boat)	1.37½	1.37½
Pipe fitter	1.37½	1.37½
Pipe fitter helper	.80	.80
Plasterer	1.62½	1.62½
Plaster mixer operator	1.35	1.35
Plumber	1.37½	1.37½
Powderman	1.05	1.05
Powderman's helper	.80	.80
Power shovel operator	1.65	1.65
Pumpman	1.25	1.25
Reinforcing steel worker	1.25	1.25
Riggers, structural and highline	1.50	1.50
Road roller operator	1.25	1.25
Roofer, composition	1.37½	1.37½
Roofer's laborer	.80	.80
Sandblaster	1.00	1.00
Sand drying and screening plant operator	1.15	1.15
Sheet metal worker	1.50	1.50
Signalman	1.00	1.00
Soft floor layer (linoleum)	1.37½	1.37½
Stone mason	1.50	1.50
Structural steel worker	1.50	1.50
Terrazzo worker	1.50	1.50
Terrazzo worker's helper	1.00	1.00
Tractor driver	1.25	1.25
Truck driver, dump trucks up to and including 2½ yards and flat-bed	1.00	1.00
Truck driver, dump trucks over 2½ yards and pole trailers	1.25	1.25
Truck driver, pickup	.90	.90
Wagon drill operator	1.05	1.05
Wagon drill operator's helper	.90	.90
Welder	1.50	1.50
Welder's helper	.90	.90
Well digger	1.25	1.25

Wage rates for foremen. The Wage Board recommends that basic hourly wage rates for foremen who do not work with the tools be established on a basis of a fixed percentage of the basic hourly rates established for the classification of labor supervised. The recommended fixed percentage is listed below:

Foreman classification:	*Percent of basic hourly rate established for workers supervised* (%)
Carpenter	112½
Pipefitter	112½
Rigger	112½
Labor	120
Reinforcing steel	112½
Electrician	112½
Lineman	112½
Machinist	112½
Diamond drill	112½
Shop	112½
Concrete finishing	112½
Concrete placing	112½
Painter	112½
Chipping	112½

No Reduction in current rates. The Wage Board further recommends that the hourly wage rate of no employee within the group covered by the Secretary's Order of February 26, 1942, be reduced as a result of the promulgation of these recommendations.

Overtime pay. It is the understanding of the Wage Board that Bureau of Reclamation employees paid in accordance with these recommendations will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40 hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

Effective date. The Wage Board recommends that these recommendations be made effective on the date which they receive your approval.

The foregoing recommendations approved and adopted by the Columbia Basin Project Wage Board this twenty-sixth day of March 1942.

DUNCAN CAMPBELL,
Chairman.
CHARLES A. BISSELL,
Member.
FRANK A. BANKS,
Member.

Approved: April 14, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-3545; Filed, April 22, 1942; 9:26 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration—Livestock Branch.

[P. & S. Docket No. 1464]

IN THE MATTER OF P. W. MURPHY, DOING BUSINESS AS P. W. MURPHY COMMISSION COMPANY, ET AL., RESPONDENTS

ORDER OF INQUIRY, ORDER OF SUSPENSION, AND NOTICE OF HEARING

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 1940 ed. 181-231), and the following allegations are made:

1. The respondents, P. W. Murphy, doing business as P. W. Murphy Commission Company, A. V. Overman, doing business as A. V. Overman & Company, C. C. Glover, doing business as Glover Commission Company, the Grange Livestock Marketing Association, Inc., Arthur F. Schmidt, Edward F. Schmidt, and Reuben Schmidt, partners, doing business as Spokane Live Stock Commission Company, are registered as market agencies under the act, and are engaged in the business of buying and/or selling livestock in commerce on a commission basis at the Old Union Stock Yards, Spokane, Washington, a stockyard duly posted under the act.

2. Pursuant to the provisions of the act, the respondents have heretofore filed and put into effect schedules of rates and charges for services rendered by them as market agencies.

3. On or about February 28, 1942, the respondents made, filed, and published, effective April 20, 1942, a new schedule of rates and charges for their services described as Supplement No. 1 to tariff No. 3, which rates and charges are materially greater than those contained in their present tariffs now on file.

4. Upon examination of the records and other information in possession of the Department of Agriculture, there is reason to believe that the increases in the rates and charges proposed by the respondents are not justified and that such proposed increased rates are, in fact, unreasonable and unlawful.

It is concluded that a proceeding under Title III of the act should be instituted for the purpose of determining the reasonableness and the lawfulness of all rates and charges of the respondents and of any rule, regulation, or practice affecting such rates and charges, and whether any stockyard service is rendered by the respondents without making a lawful charge therefor, and that, pending a hearing and decision in such proceeding, the operation of the respondents' tariffs filed on or about February 28, 1942, effective April 20, 1942, should be suspended and their use deferred.

It is therefore ordered, That the operation and use of the tariffs filed by the respondents on or about February 28, 1942, shall be and are hereby suspended and deferred until the expiration of thirty days from and after the time such schedules would otherwise go into effect.

It is further ordered, That notice to the respondents shall be and is hereby given that a hearing covering the allegations made herein will be held before an examiner, at a time and place of which the respondents will have at least ten days' notice. At such hearing, the respondents, and all other interested persons, will have a right to appear, and present such evidence with respect to the matters and things alleged as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall notify the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., within twenty days from the date of the publication of this order.

It is further ordered, That a copy hereof shall be served upon the respondents by registered mail.

It is further ordered, That this order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of April 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-3559; Filed, April 22, 1942; 10:15 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 436, 722, 733, and 734]

WEST COAST AIRLINES, INC., ET AL.

NOTICE OF ORAL ARGUMENT

In the matter of the applications of West Coast Airlines, Inc., Southwest Airways Company, Western Air Lines, Inc., and United Air Lines Transport Corporation for temporary or permanent certificates of public convenience and necessity authorizing scheduled air transportation of mail and property by the pickup method.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on April 29, 1942, at 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., April 21, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-3544; Filed, April 22, 1942; 9:22 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5776]

IN THE MATTER OF MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

APRIL 21, 1942.

Notice is hereby given that on April 20, 1942, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Montana-Dakota Utilities Co., a corporation organized under the laws of the State of Delaware and carrying on electric and gas utilities business in the States of Montana, North Dakota and South Dakota, and a gas utility business in the State of Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $250,000.00 of First Mortgage 2½% Serial Bonds due in certain specified principal amounts on May 1st of each of the years 1943 to 1950, both inclusive, and $750,000.00 of First Mortgage Bonds, 3½% Series, due May 1, 1962, of which $500,000.00 are to be retired before maturity through the operation of a sinking fund providing for the retirement of bonds in certain specified principal amounts on May 1st of each of the years 1951 to 1961, both inclusive, leaving a balance of $250,000.00 to mature on May 1, 1962; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest in reference to said application should, on or before the 8th day of May, 1942, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-3585; Filed, April 22, 1942; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-6]

IN THE MATTER OF THE UNITED GAS IMPROVEMENT COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DISMISSING PARTIES FROM PROCEEDING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of April 1942.

The Commission on March 4, 1940, having issued a Notice Of and Order for Hearing pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above captioned matter;

Commonwealth Utilities Corporation, a registered holding company and its subsidiary companies, Arizona Ice and Cold Storage Company, Home Ice Company, Crystal Ice & Cold Storage Company, Galveston Ice & Cold Storage Company, Merchants Ice & Cold Storage Company, Crystal Ice Company, National Ice & Service Company, New State Ice Company, Springfield Ice and Refrigerating Company, and St. Louis County Water Company, having been designated as subsidiary companies of The United Gas Improvement Company, and each of said companies having been made respondents in the aforesaid proceeding; and

The Commission having, on July 30, 1941, issued its order in the above entitled matter, requiring The United Gas Improvement Company, among other things, to sever its relationship with the above named companies by disposing or causing the disposition of its direct or indirect ownership, control or holdings of securities issued by said companies (Holding Company Act Release No. 2913); and

It appearing to the Commission that Commonwealth Utilities Corporation has disposed of all direct or indirect interest in its subsidiary companies named above and by reason of this disposition such companies are no longer subsidiary companies of The United Gas Improvement Company;

It is hereby ordered, That Arizona Ice and Cold Storage Company, Home Ice Company, Crystal Ice & Cold Storage Company, Galveston Ice & Cold Storage Company, Merchants Ice & Cold Storage Company, Crystal Ice Company, National Ice & Service Company, New State Ice Company, Springfield Ice and Refrigerating Company, and St. Louis County Water Company, be and they are, each of them, hereby dismissed as parties in the above captioned proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-3548; Filed, April 22, 1942; 9:28 a. m.]

[File No. 70-507]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of April, A. D. 1942.

Associated Electric Company having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 of the Rules and Regulations promulgated thereunder with respect to the sale to Union Utilities Company for $800,000 in cash of all the securities and other indebtedness of Union Gas and Electric Company;

An agreement having been made as a condition to the sale of the said securities and indebtedness that the approval of the Illinois Commerce Commission be obtained with respect to the issue and sale by Union Gas and Electric Company of first mortgage bonds in the principal amount of $600,000, of unsecured instalment notes in the amount of $90,000, and of 1,000 shares of 6% cumulative preferred stock of the par value of $100;

It appearing to the Commission that, under the particular circumstances of this case, the issue and sale of securities by Union Gas and Electric Company may properly be considered as though an application had been filed under section 6 (b) for an order exempting the said issue and sale from the provisions of sections 6 (b) and 7;

A hearing having been held after appropriate notice; oral argument having been heard; and the Commission having considered the record of the proceedings and having entered its Findings and Opinion herein;

It is ordered, On the basis of the said Findings and Opinion, that the aforesaid declaration under section 12 (d) of the Act and Rule U-44 thereunder be, and it hereby is, permitted to become effective, and that the issue and sale of the aforesaid securities by Union Gas and Electric Company be, and they hereby are, exempted from the requirements of the Act, subject, however, to the following terms and conditions:

1. That the approval of the Illinois Commerce Commission be obtained prior to the issue or sale of the proposed new securities of Union Gas and Electric Company;

2. That all acts in connection with the sale by Associated Electric Company to Union Utilities Company shall be performed in accordance with the terms and

conditions of and for the purposes represented by the declaration, and in accordance with the assurances given by counsel with respect to the establishment of the reserve to write down the plant account to original cost;

3. That within ten days after the sale by Associated Electric Company to Union Utilities Company, Associated Electric Company shall file with this Commission a certificate of notification stating that the sale has been effected in accordance with the aforementioned terms and conditions and for the purposes represented by its said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3549; Filed, April 22, 1942; 9:28 a. m.]

[File No. 70-511]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY AND GREAT LAKES UTILITIES COMPANY

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa , on the 20th day of April, A. D. 1942.

Great Lakes Utilities Company, a registered holding company, having filed with the Commission a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and the applicable rules thereunder with respect to the proposed sale of all of the securities it owns of Gas Corporation of Michigan and Gas Transportation Corporation of Michigan; and

Michigan Consolidated Gas Company, a subsidiary of American Light & Traction Company, a registered holding company in The United Light and Power Company holding company system, having filed applications and declarations pursuant to sections 9 and 10 of the Act and the applicable rules thereunder with respect to the transactions necessary to enable it to acquire the securities and the utility assets of the aforenamed companies; and the above described applications and declarations having been consolidated for the purpose of a hearing; and

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein; and

The Commission deeming it appropriate in the public interest and for the interest of investors and consumers to grant said applications and to permit said declarations to become effective pursuant to the applicable sections of the Act and rules thereunder; and the Commission having found that the stautory requirements have been satisfied.

It is hereby ordered, Pursuant to the applicable provisions of said Act and the rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the applications and declarations with respect to the transactions therein described be, and are hereby granted and permitted to become effective, respectively.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3550; Filed, April 22, 1942; 9:28 a. m.]

[Files No. 59-30, 70-427 and 54-49]

IN THE MATTER OF VIRGINIA PUBLIC SERVICE COMPANY, ET AL.

NOTICE OF FILING OF PLAN OF AMENDMENT TO REFINANCING PLAN AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 18th day of April, A. D. 1942.

Notice is hereby given that Virginia Public Service Company has filed a Plan of Simplification pursuant to section 11 (e) of the Public Utility Holding Company Act (File No. 54-49). Notice is further given that Virginia Public Service Company has also filed an amendment pursuant to section 6 (b) of the Public Utility Holding Company Act to the plan of financing heretofore filed (File No. 70-427) with respect to the issuance of certain securities, which was heretofore consolidated with proceedings instituted by the Commission under section 11 (b) (2) (File 59-30).

The Plan of Simplification under section 11 (e) of the Holding Company Act is for the purpose of effectuating corporate simplification and reorganization. The Plan provides that all of the existing Preferred Stock and all of the existing Common Stock are to be retired, and in lieu thereof there are to be issued 637,541 shares of new Common Stock, constituting the whole initial issue thereof. Such shares are to be entitled to one vote per share, are to be fully paid and non-assessable, are to be without par value and will have an aggregate stated value representing such an amount of capital as remains after valuing certain accounting adjustments.

The Plan as filed provides that holders of the existing Preferred Stock of the 7% Series will receive seven shares of the new Common Stock for each share of Preferred Stock 7% Series and accumulated unpaid dividends, or a total of 283,080 shares of the Common Stock representing 44.4% of the initial issue. Holders of the existing Preferred Stock of the 6% Series will receive six shares of new Common Stock for each share of the Preferred Stock 6% Series and accumulated unpaid dividends, or a total of 322,584 shares of the Common Stock representing 50.6% of the initial issue. The holder or holders of the Common Stock will receive 31,877 shares of the new Common Stock representing 5% of the initial issue.

The Plan includes a proposed accounting reorganization to be effectuated after certain reserves have been provided, the principal reserves being a reserve of approximately $2,630,000 for fixed capital adjustments, additional provisions of approximately $1,650,000 for retirement (depreciation) of electric and gas fixed capital, and a reserve to reflect loss to be incurred on the proposed sale of stock of Eastern Shore Public Service Company, no amount therefor being indicated. Upon providing the afore-described reserves together with whatever additional adjustments may at the time appear necessary, it is estimated that an earned surplus deficit of approximately $5,000,000 will result. This deficit is to be eliminated by a charge to capital surplus, such surplus to be provided for by a restatement of the present capital represented by the existing Preferred and Common Stock. The new Common Stock will be stated at the amount of the remaining capital.

Said Plan of Simplification also provides that the company requests the Commission to apply to a court for enforcement thereof pursuant to the provisions of sections 11 (e) and 18 (f) of the Public Utility Holding Company Act.

The amendment to the refinancing plan provides for the issuance and sale of $26,000,000 principal amount of First Mortgage Bonds 3¾% Series due 1972 and $10,500,000 principal amount of Sinking Fund Debentures due 1957 bearing interest at not more than 5% per annum. The proceeds from the sale of these securities are to be used to retire all of the presently outstanding funded indebtedness of Virginia Public Service Company and its subsidiary, Virginia Public Service Generating Company.

It appearing to the Commission that a hearing should be held with respect to said Plan of Simplification under section 11 (e) and said refinancing plan pursuant to section 6 (b), and that said hearing should be consolidated with the proceedings heretofore had under sections 11 (b) (2), 6 (b) and other provisions of the Act (File Nos. 59-30 and 70-427), and that said matters should be consolidated;

It is ordered, That said proceedings involving said Plan of Simplification (File No. 54-49) are hereby consolidated with the proceedings pending under section 11 (b) (2) and other provisions of said Act (File Nos. 59-30 and 70-427), and that a hearing in said consolidated proceedings shall be held upon said Plan of Simplification, and upon said plan of refinancing as amended, under the applicable provisions of the Public Utility Holding Company Act and the Rules of the Commission thereunder, on the 30th day of April, 1942, at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa., in the room designated on said day by the hearing room clerk in Room 318. At such hearing all security holders will be heard with respect to the fairness of said plan and as to any matters affecting their interests.

It is further ordered, That Willis E. Monty or any other officer or officers of

the Commission designated by it for that purpose shall preside in the hearing on such matters. The officer so designated to preside is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the generality of the foregoing, and without limiting the scope of the proceedings as specified in previous orders herein, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed Plan of Simplification is fair and equitable to the Preferred and Common stockholders of Virginia Public Service Company;
2. Whether any modification should be made in said plan of simplification.
3. Whether the proposed refinancing plan pursuant to section 6 (b), as amended, is in accordance with the standards of the statute, and whether any terms and conditions should be imposed with respect thereto.

It is further ordered, That notice of said hearing is hereby given to the applicants and respondents herein, and that notice be and is hereby given to all security holders of Virginia Public Service Company, such notice to be given by publication in the FEDERAL REGISTER and by general release of the Commission distributed to the mailing list for releases under the Holding Company Act.

It is further ordered, That Virginia Public Service Company shall give notice of the filing of said plan and of the date of said hearing to all of its stockholders of record, such notice to be mailed by Virginia Public Service Company not later than one week prior to the date of said hearing.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3551; Filed, April 22, 1942; 9:29 a. m.]

[File No. 70-532]

IN THE MATTER OF GENERAL GAS & ELECTRIC COMPANY, BOISE WATER CORPORATION, NATATORIUM COMPANY, AND KELLOGG POWER & WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of April, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than May 8, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Boise Water Corporation (Boise), a subsidiary of General Water Gas & Electric Company (General), a registered holding company, proposes to exchange 1,650 shares of its common stock (par value $100) with General for the outstanding securities of Kellogg Power & Water Company (Kellogg), consisting of a $100,000 6% Demand Note and 65,000 shares of common stock (par value $1), whereupon Kellogg will become a subsidiary of Boise. Boise also proposes to issue and sell privately, to the Northwestern Mutual Life Insurance Company, $950,000 principal amount of Twenty-year 3½% First Mortgage Bonds at a price of 101½. Such bonds are to be secured by an indenture constituting a first mortgage on the properties of Boise and of its subsidiaries, Kellogg and Natatorium Company.

The proceeds from the sale of the bonds are to be utilized by Boise as follows:

(a) The sum of $200,000 is to be used by Boise for improvements, extensions, additions and replacements of its physical properties.

(b) The sum of $750,000 is to be paid to General in reduction of the $1,000,000 present bonded indebtedness of Boise; the remaining $250,000 principal amount of such indebtedness is to be satisfied by the delivery to General of a 6% Promissory Note due 1963. General, in turn, proposes to apply the amount of $750,000 which it will receive in cash to the partial redemption of its outstanding First Lien and Collateral Trust Bonds due June 1943.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3570; Filed, April 22, 1942; 10:34 a. m.]

[File No. 1-3043]

IN THE MATTER OF VARDAMAN SHOE COMPANY $1 PAR COMMON STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of April, A. D. 1942.

The St. Louis Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $1 Par Common Stock of Vardaman Shoe Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Wednesday, May 20, 1942, at the office of the Securities and Exchange Commission, 319 North 4th Street, St. Louis, Missouri, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3571; Filed, April 22, 1942; 10:35 a. m.]

[File No. 70-433]

In the Matter of PUBLIC SERVICE COMPANY OF INDIANA, INC.

ORDER GRANTING AMENDED APPLICATION-DECLARATION AND DENYING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of April, A. D. 1942.

Public Service Company of Indiana, Inc., a subsidiary of Hugh M. Morris, Trustee of the Estate of Midland United Company, a registered holding company, having filed an amendment to its application-declaration previously filed with this Commission, which amended application-declaration requested pursuant to the third sentence of section 6 (b) of the Public Utility Holding Company Act of 1935, an exemption from the provisions of section 6 (a) and 7 of the Act regarding the following transaction: The issuance and sale of $4,000,000 principal amount of First Mortgage Bonds, Series D, 3⅜%, due 1971.

The amended application-declaration having also requested an exemption from the provisions of Rule U-50, requiring competitive bidding, with respect to the sale of said bonds;

A public hearing having been held upon such application-declaration, as amended, after appropriate notice, the Commission having considered the record, and having made its findings, which will be filed herein shortly;

It is ordered, That said application-declaration, as amended, for exemption from the provisions of section 6 (a), of the issuance and sale of $4,000,000 principal amount of First Mortgage Bonds, Series D, be and hereby is granted subject to the conditions set forth in Rule U-24.

It is further ordered, That the application for exemption from the provisions of Rule U-50 be and hereby is denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3572; Filed, April 22, 1942; 10:35 a. m.]

[File No. 70-510]

IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

ORDER PERMITTING WITHDRAWAL OF APPLICATION AND DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 21st day of April 1942.

St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company, having filed an application and declaration on March 9, 1942, and amendments thereto, pursuant to sections 6, 7, and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-50 promulgated thereunder regarding a proposed issue and sale of a new Series of Mortgage Bonds, and, concurrently therewith, the reduction of the interest rate and the extension of the maturity dates of its outstanding 4% Series Bonds; and the modification of certain terms and provisions of the Indenture applicable to all Bonds secured thereby, including its 3¼% Series Bonds, all of which is more fully described in the Notice of Filing issued in connection therewith. (Holding Company Act Release No. 3381)

Pending action thereupon the Commission having by its Order of April 8, 1942 permitted a declaration of its parent company (Commonwealth Utilities Corporation) to become effective regarding the sale of all the issued and outstanding 22,000 shares of common stock of St. Louis County Water Company; and

Commonwealth Utilities Corporation having filed a Certificate of Notification on April 14, 1942, to the effect that the transaction had been carried out in accordance with the terms and conditions and for the purposes represented by said declaration (File No. 70-524); and

St. Louis County Water Company having on April 9, 1942, requested permission to withdraw its above-mentioned application and declaration; and the Commission deeming it appropriate to grant the request for withdrawal;

It is hereby ordered, That said application and declaration, as amended, be and is hereby permitted to be withdrawn.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3573; Filed, April 22, 1942; 10:35 a. m.]

[File No. 70-518]

IN THE MATTER OF FEDERAL WATER AND GAS CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of April, A. D. 1942.

Federal Water and Gas Corporation,[1] a registered holding company, having filed an application and declaration, and amendments thereto, pursuant to sections 10 and 12 (c) of the Public Utility Holding Company Act of 1935, and the Rules and Regulations thereunder, with respect to the purchase from time to time, but prior to December 31, 1942, all or any part of a maximum of $400,000 principal amount of its 5½ per cent Gold Debentures, due May 1, 1954, in the open market, at prices not to exceed the call prices of said debentures in effect at the date of each such purchase, the debentures so to be acquired to be canceled or retired;

Notice of said filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to said Act, and the Commission, not having received a request for a hearing with respect to said application within the period specified by said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of section 10 (f) are satisfied, that no adverse findings are required under sections 10 (b) or 10 (c) (1), and that the proposed acquisition has the tendency required by section 10 (c) (2), and is not repugnant to the standards of section 12 (c);

It is hereby ordered, Pursuant to said Rule U-23, that said application, as amended, be, and it is hereby granted, and that said declaration, as amended, be, and it is hereby permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24, and to the further condition that the applicant file with the Commission, within ten days after the close of each calendar month, a report stating the principal amounts and dates of purchase of, and the prices paid for all debentures purchased during such calendar month pursuant to this order, until there shall have been filed, as aforesaid, reports covering the purchase of said maximum amount of debentures for each calendar month within which purchases pursuant to this order may be made.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-3574; Filed, April 22, 1942; 10:35 a. m.]

[1] Formerly known as Federal Water Service Corporation.